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U.S. Department
of Transportation

**Pipeline and
Hazardous Materials
Safety Administration**

DEPT. OF TRANSPORTATION
DOCKETS

2006 FEB 23 P 1:24

Office of
Chief Counsel

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***Hazardous Materials Safety
Law Division***

NOTICE OF PROBABLE VIOLATION

Date Issued: FEB 22 2006

PHMSA Case No. 05-0648-SB-SW

DMS Docket No. 2006-24032 -1

Respondent: Garreco, Incorporated
1274 Cooter Neck Rd.
Heber Springs, AR 72543

ATTN: Mr. Steve Garrett, President

No. of Alleged Violations: 1

Maximum Possible Assessment: \$50,000

Total Proposed Assessment: **\$5,600** (Includes a \$1,400 reduction for corrective action)

The Office of Chief Counsel of the Pipeline and Hazardous Materials Safety Administration (PHMSA) alleges that you (the Respondent named above) violated certain provisions of the Federal Hazardous Materials Transportation Law, 49 U.S.C. § 5101 et seq., and/or the Hazardous Materials Regulations (HMR), 49 C.F.R. Parts 171 - 180. PHMSA sets forth the specific allegations in Addendum A to this Notice.

What are the maximum and minimum civil penalties that PHMSA can assess? Federal law sets a maximum civil penalty of \$50,000 (or \$100,000 if the violation results in death, serious illness or severe injury, or substantial destruction of property) and a minimum civil penalty of \$250 (or \$450 if the violation concerns training) for each violation of the Federal hazardous materials transportation law or the HMR committed on or after August 10, 2005. Each day of a continuing violation by a shipper or transporter of hazardous materials constitutes a separate violation for which the maximum penalty may be imposed (49 U.S.C. § 5123(a)).

What factors does PHMSA consider when proposing and assessing a civil penalty? Federal law requires PHMSA to consider certain factors when proposing and assessing a civil penalty for a violation of Federal Hazardous Materials Transportation Law or the HMR. Please refer to Addendum B to this Notice for more information concerning these factors.

When is my response due? You must respond within thirty (30) days from the date you receive the Notice (49 C.F.R. § 107.313(a)), unless you have made a written request for an extension, which must have been approved by PHMSA (49 C.F.R. §107.313(c)). Due to security concerns, mail delivery from the United States Postal Service (USPS) is experiencing significant delays.


As a result, you should allow at least 72 hours for delivery, even for overnight service by the USPS. To assure timely receipt, **PHMSA strongly encourages you to submit your response by e-mail, fax, or express mail.** A response received out of time will not be considered.

What are my response options? You may respond to this Notice in any of three ways:

- (1) Admit the alleged violations and pay the proposed assessment (49 C.F.R. § 107.313(a)(1));
- (2) Send an informal response, which can include a request for an informal conference (49 C.F.R. § 107.313(a)(2)); or
- (3) Request a formal hearing (49 C.F.R. § 107.313(a)(3)).

PHMSA provides information on these options in Addendum B to this Notice and the Office of Chief Counsel's homepage (<http://rspa-atty.dot.gov>). PHMSA explains its procedures for assessing civil penalties and imposing compliance orders in 49 C.F.R. § 107.307 through 107.331.

What happens if I fail to respond? You waive your right to contest the allegations made in Addendum A to this Notice if you fail to respond within thirty (30) days of receiving it (or by the end of any extension). Also, the Chief Counsel may make a finding of fact consistent with the allegations in this Notice and assess an appropriate civil penalty if you fail to respond within the applicable time frame.


Vincent M. Lopez, Attorney
Phone: (202) 366-5199
vincent.lopez@dot.gov

Enclosures: Addendum A
Addendum B
Addendum C
Case Exhibits

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

PHMSA Case No. 05-0648-SB-SW

SPECIFIC ALLEGATIONS

Probable Violation No. 1

Offering for transportation, in commerce, a hazardous material in unauthorized non-UN standard packagings, when specification packaging is prescribed by the Hazardous Materials Regulations (HMR), in violation of 49 C.F.R. §§ 171.2(a),(b),(e)&(i), 173.22(a)(2), 173.24(c), and 173.202(a).

Factual Allegations/Averments

- A. On November 15, 2005, a compliance inspection was conducted at Respondent's facility located in Heber Springs, AR.
- B. During the compliance inspection referenced in paragraph A above, the Inspector observed non-UN standard fiberboard packagings labeled and marked.
- C. Upon closer inspection of the packagings observed in paragraph B above, the Inspector observed intermediate packaging consisting of non-UN standard fiberboard packagings.
- D. The packagings observed by the Inspector and referenced in paragraphs B – C was determined to contain Respondent's products Vitex A Liquid and Vitex B Liquid.
- E. On or about August 10, 2005, Respondent offered for transportation, in commerce, hazardous materials (Flammable liquid, n.o.s. (tetraethyl silicate, alcohol), 3, UN1933, PG II) and Corrosive, n.o.s. (hydrochloric acid), 8, UN1760, PG II, Ltd. Qty.), as evidenced by bill of lading no.: GAR-0009563.
- F. On or about October 6, 2005, Respondent offered for transportation, in commerce, hazardous materials (Flammable liquid, n.o.s. (tetraethyl silicate, alcohol), 3, UN1933, PG II) and Corrosive, n.o.s. (hydrochloric acid), 8, UN1760, PG II, Ltd. Qty.), as evidenced by bill of lading no.: GAR-0009847.
- G. On or about October 24, 2005, Respondent offered for transportation, in commerce, hazardous materials (Flammable liquid, n.o.s. (tetraethyl silicate, alcohol), 3, UN1933, PG II) and Corrosive, n.o.s. (hydrochloric acid), 8, UN1760, PG II, Ltd. Qty.), as evidenced by bill of lading no.: GAR-0009918.
- H. On or about the dates referenced in paragraphs E - G above, Respondent offered for transportation the hazardous materials referenced in paragraphs E – G above, in unauthorized non-UN standard packagings in violation of the HMR.

- Please see Inspection/Investigation Report Number 05451061 at pages 2 – 3, and the exhibits that accompany this report, which are incorporated herein.

FACTS ALREADY CONSIDERED (UNDER 49 C.F.R. § 107.331) IN SETTING PROPOSED PENALTIES

Prior Violations of the Hazardous Materials Regulations:

PHMSA increases proposed penalties when Respondent has committed a prior violation of the Federal Hazardous Materials Transportation Law or the HMR within the last six years, as determined through a civil penalty case, criminal case, or ticketing process (49 C.F.R. § 107.331(d)). More specifically, “the general standards for increasing a baseline proposed penalty on the basis of prior violations are . . . (1) for each prior civil or criminal enforcement case –25% increase over pre-mitigation recommended penalty, and (2) for each prior ticket–10% increase over pre-mitigation recommended penalty” (49 C.F.R. Part 107, Subpart D, Appendix A, Section IV, E).

PHMSA’s records do not contain any prior violations by Respondent and PHMSA did not consider any prior violations in determining the proposed assessment for the violation in this Notice.

Corrective Action:

An important purpose of PHMSA’s enforcement program is to bring the regulated community into compliance with the Hazardous Materials Regulations, and to promote ongoing efforts by that community to maintain compliance. In determining the final penalty assessment, PHMSA considers documented evidence of actions taken by a Respondent to correct violations and ensure that they do not recur (49 C.F.R. § 107.331 (g)).

Respondent provided correspondence dated December 19, 2005, addressing the corrective action it has taken in response to the probable violations resulting from the inspection. Respondent described and documented its corrective action as follows:

- Violation No.: 1: Respondent stated that it had suspended all shipments in the unauthorized packaging. Further, Respondent indicated that it had made arrangements to have the combination packaging performance tested. As supporting evidence, Respondent included a copy of an invoice for the performance testing.

Financial Status

Under 49 C.F.R. §107.331 (e) and (f), the proposed penalty may be reduced if Respondent demonstrates that it is unable to pay that penalty, or if payment of the proposed penalty would affect Respondent's ability to continue in business. Respondent's poor financial condition may be a basis for reducing the proposed penalty; a healthy financial condition is *not* a basis for increasing the penalty.

PHMSA has no information that indicates that Respondent is unable to pay the proposed penalty. If Respondent believes it lacks the ability to pay the proposed penalty or that the proposed penalty will affect Respondent's ability to continue in business, Respondent should submit a current balance sheet (certified if possible) or other evidence of its assets and liabilities.

TOTAL CIVIL PENALTY PROPOSED

Probable Violation	Maximum Possible Penalty	Baseline Penalty	Increase for Priors	Corrective Action	Proposed Penalty
1	\$50,000	\$7,000	\$0	\$1,400	\$5,600
TOTAL	\$50,000	\$7,000	\$0	\$1,400	\$5,600

DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

How do I respond to this Notice of Probable Violation (Notice)?

You may respond to this Notice in any of three ways:

- (1) Pay the proposed assessment (49 C.F.R. § 107.315);
- (2) Send an informal response, which can include a request for an informal conference (§ 107.317); or
- (3) Request a formal hearing (§ 107.319).

How do I pay the proposed assessment?

You pay the proposed assessment by:

- (1) Sending a wire transfer, through the Federal Reserve Communications System (Fedwire), to the U.S. Treasury account (49 C.F.R. § 89.21(b)(3). Addendum C contains the instructions for sending wire transfers. Questions concerning wire transfers should be directed to: Financial Operations Division (AMZ-300), ATTN: Linda Lavalley, Federal Aviation Administration, Mike Monroney Aeronautical Center, P.O. Box 25082, Oklahoma City, OK 73125 (Telephone No. 405-954-8893).

Or

- (2) Sending a certified check or money order if the penalty amount is \$10,000 or less. The certified check or money order must be payable to the "U.S. Department of Transportation" and must be mailed to the Chief, Financial Operations Division, Attn: Linda Lavalley, Federal Aviation Administration, Mike Monroney Aeronautical Center, AMZ-300, P.O. Box 25082, Oklahoma City, OK 73125.

Or

- (3) Using a credit card via the Internet. To pay electronically with a credit card, visit the following website address and follow the instructions:

<https://www.pay.gov/paygov/>

Where do I send my response?

You must address your informal response or formal hearing request to the attorney who issued the Notice at the following address:

Pipeline and Hazardous Materials Safety Administration
Office of the Chief Counsel (PHC-10)
Room 8417
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590-0001

When is my response due? (§ 107.313)

You must respond to the Notice within thirty (30) days of the date you receive it. The attorney who issued the Notice may extend the 30-day period for your response if you ask for an extension, and show good cause, within the original 30-day period.

What happens if I do not respond? (§ 107.313)

If you fail to respond to the Notice within thirty (30) days of receiving it (or by the end of any extension), you will waive your right to contest the allegations made in Addendum A to the Notice. In addition, the Chief Counsel will issue a default Order finding the facts as alleged in the Notice and assessing the civil penalty as outlined within that notice.

May I propose a compromise offer? (§ 107.327)

Yes. At any time before an order is issued and referred to the Attorney General for collection, you may propose to compromise a civil penalty case by submitting a specific compromise offer amount to the attorney handling the case (§ 107.327). The Chief Counsel may also propose a compromise.

If a compromise is agreeable to all parties, the attorney handling the case will forward a compromise agreement to you for signature. This document will outline the terms of the joint agreement and you must return a signed original to the attorney handling the case within 30 days. After this agreement has been returned it will be signed by the assigned attorney and presented to the Chief Counsel with a request that the Chief Counsel adopt the terms of that agreement by issuing a Compromise Order (49 C.F.R. § 107.327(a)(1)). The terms of the agreement constitute an offer of compromise until accepted by the Chief Counsel. When you agree to a compromise, you give up your right to appeal the order issued by the Chief Counsel.

What should I include in my informal response? (§107.317)

Your informal response must contain written explanations, information or arguments that respond to the allegation(s), the amount of the proposed civil penalty, or the terms of a proposed compliance order. Provide complete documentation of your explanations and arguments. No specific format is required for an informal response.

May I request an informal conference? (§107.317)

Yes. You may request an informal conference as part of your informal response. Please describe the issues you want to discuss during the conference. After receiving your request, the attorney handling the case will contact you to arrange the conference. Normally the conference will be held by telephone, and the attorney handling the case and the inspector who conducted the compliance inspection will participate in the conference.

What happens after I submit an informal response to the Notice?

We will hold an informal conference if you have asked for one. Based on the Notice, the evidence supporting the Notice, any written explanations, information and documentation that you provide, and matters presented at a conference, the Chief Counsel decides the case. The Chief Counsel may issue an order finding all or some of the violation(s) alleged in the Notice or may withdraw all or some of the alleged violation(s). If the Chief Counsel finds violation(s), the order will assess a civil penalty.

How do I appeal an order? (§ 107.325)

You may appeal an order to PHMSA's Administrator.

How do I request a formal hearing? (§ 107.319)

You must request a formal hearing within 30 days of the date that you receive the Notice. If you are granted an extension of time to respond to the Notice, you must submit a formal hearing request by the end of the extended time period. If you do not request a formal hearing within the specified time, you will waive your right to a formal hearing.

Your request for a formal administrative hearing must include the following:

- (1) The name and address of the respondent and any other person submitting the request;
- (2) A statement of which allegations of violations are not in dispute; and
- (3) A description of the issues that you will raise at the hearing. (The Administrative Law Judge will decide whether issues not raised in the request may be raised at the hearing.)

After receiving a request for a hearing that complies with these requirements, the Chief Counsel will request an Administrative Law Judge from the DOT Office of Hearings to preside over the hearing. Once an Administrative Law Judge is assigned, all further matters in the proceeding will be conducted by the Administrative Law Judge. Either you or PHMSA may appeal the decision of the Administrative Law Judge to PHMSA's Administrator.

How does PHMSA determine if I have committed a violation?

This is a civil penalty case and PHMSA uses the "knowingly" standard, which is defined in the Federal hazardous materials transportation law (See 49 U.S.C. 5123(a)(1)), in all civil penalty cases. The standard for a violation is similar to "negligence." After considering all the available information (including the additional information you provide in your response to the Notice), PHMSA must find either that (1) you had "actual knowledge" of the facts giving rise to the violation, or (2) you had "imputed knowledge," of the facts giving rise to the violation, in that a reasonable person acting in the circumstances and exercising reasonable care would have that knowledge. PHMSA does not need to find that you actually knew about, or intended to violate, requirements in the Federal hazardous material transportation law or the HMR.

What factors does PHMSA consider when proposing and assessing a civil penalty? (§ 107.331)

PHMSA considers the following factors when proposing and assessing a civil penalty for a violation of the regulations:

- (1) The nature and circumstances of the violation(s);
- (2) The extent and gravity of the violation(s);
- (3) The degree of your culpability;
- (4) Your history, if any, of prior offenses;

- (5) Your ability to pay the penalty;
- (6) The effect of the penalty on your ability to continue in business;
- (7) The size of your business, and
- (8) Other matters as justice may require.

The nature and the timeliness of any corrective action you take to prevent future violations of a similar nature will be considered under item No. 8. However, you must submit documented evidence of that corrective action to the PHMSA attorney. If you have submitted documented evidence regarding any of these factors during PHMSA's investigation of the alleged violation(s), and that documentation is referenced in the Notice or accompanying Inspection/Investigation Report, you do not need to resubmit it.

Under the Small Business Regulatory Enforcement Fairness Act (SBREFA), PHMSA must consider the rights of small entities in enforcement actions. PHMSA's hazardous materials enforcement program has been designed to consider small businesses and the penalties that PHMSA proposes and assesses are generally considered appropriate for small businesses. PHMSA takes into consideration the size of the company when proposing and assessing a civil penalty.

However, special consideration may not be given to a small business if:

- (1) The small business has not corrected its violation(s) within a reasonable time;
- (2) The small business has committed one or more prior violations of the HMR;
- (3) The violations involve willful conduct;
- (4) The violations pose serious threats to health, safety or the environment; or
- (5) The small business has not made a good faith effort to comply with the law.

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. Our objective is to ensure a fair regulatory enforcement environment.

You have a right to contact the Small Business Administration's national Ombudsman at 1-888-REG-FAIR (1-888-734-3247) or www.sbs.gov/ombudsman regarding the fairness of the compliance and enforcement activities by this agency.

The Pipeline and Hazardous Materials Safety Administration strictly forbids retaliatory acts by its employees. As such, you should feel confident that you will not be penalized for expressing your concerns about compliance and enforcement activities.

Where can I find more information on how PHMSA handles hazardous materials enforcement cases?

A more detailed discussion of these procedures is in 49 C.F.R. §§ 107.301 through 107.333. These procedures are also on the Office of the Chief Counsel's home page at <http://phmsa-atty.dot.gov>."

**INSTRUCTIONS FOR ELECTRONIC FUNDS TRANSFER TO
THE FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION**

1. <u>RECEIVER'S ABA NO.</u> 021030004	2. <u>TYPE SUBTYPE</u> (provided by sending bank)
3. <u>SENDING BANK ARB NO.</u> (Provided by sending bank)	4. <u>SENDING BANK REF NO.</u> (Provided by sending bank)
5. <u>AMOUNT</u>	6. <u>SENDING BANK NAME</u> (Provided by sending bank)
7. <u>RECEIVER NAME:</u> TREAS NYC	8. <u>PRODUCT CODE</u> (Normally CTR, or as provided by sending bank)
9. <u>BENEFICIARY (BFN) - AGENCY LOCATION CODE</u> <u>BNF=/ ALC 69-14-0001</u>	10. <u>REASONS FOR PAYMENT</u> Example: PHMSA - Case # / Ticket Number/Pipeline Assessment number

INSTRUCTIONS: You, as sender of the wire transfer, must provide the sending bank with the information for Block (1), (5), (7), (9), and (10). The information provided in blocks (1), (7), and (9) are constant and remain the same for all wire transfers to Pipeline and Hazardous Materials Safety Administration, Department of Transportation.

Block #1 - RECEIVER ABA NO.- "021030004". Ensure the sending bank enters this nine-digit identification number; it represents the routing symbol for the U.S. Treasury at the Federal Reserve Bank in New York.

Block #5 - AMOUNT - You as the sender provide the amount of the transfer. Please be sure the transfer amount is punctuated with commas and a decimal point. **EXAMPLE;** \$10,000.00

Block #7 - RECEIVER NAME - "TREAS NYC." Ensure the sending bank enters this abbreviation; it must be used for all wire transfer to the Treasury Department.

Block #9 - BENEFICIARY- AGENCY LOCATION CODE -"BNF=/ALC69140001"
Ensures the sending bank enters this information. This is the Agency Location Code for Pipeline and Hazardous Materials Safety Administration, Department of Transportation.

Block #10 - REASON FOR PAYMENT - "AC-payment for PHMSA Case # / To
ensure your wire transfer is credited properly, enter the case number/ticket number or Pipeline Assessment number, and country."

Note: - A wire transfer must comply with the format and instructions or the Department cannot accept the wire transfer. You, as the sender, can assist this process by notifying, at the time you send the wire transfer to the General Accounting Division (405) 954-8893.

**Inspection / Investigation Report No. 05451061**

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement

Inspection Location:

Garreco, Incorporated
1274 Cooterneck Rd.
Heber Springs, AR 72543

Contact: Bob Garrett, President
Phone: 501-362-6261
Fax: 501-362-2264

Type of Inspection: SHIPPER INSPECTION
(GENERAL)

Result: ENFORCEMENT REPORT

Inspector: STROLLO, ROBERT
Code: DHM-45.1
Title: HAZARDOUS MATERIALS
ENFORCEMENT SPECIALIST

Signature:

Inspector #2: LANEY, SEAN
Code: DHM-44.1
Title: HAZARDOUS MATERIALS
ENFORCEMENT SPECIALIST

Supervisor Name: Billy C. Hines, Jr.
Title: Chief, Southwest Region

Authorization Date: 12/22/2005

Summary of Inspection

On November 15, 2005, Hazardous Materials Enforcement Specialists Robert Strollo and Sean Laney conducted a compliance inspection at Garreco Incorporated (Garreco), Heber Springs, AR. Mr. Bob Garrett, President, represented the company and provided requested documentation. Garreco is a manufacturer of gypsum products, and blends associated chemicals classed as 3 and 8, packaged in boxes.

The probable violation noted during the inspection was discussed with Garreco during the Exit Briefing (Exhibit 1). Violation concerned unauthorized packaging.

Correspondence containing action taken, or to be taken, by Garreco to rectify the probable violation has been received (Exhibit 7).

Violation Number: 1

Number Discovered: *

49 CFR Section:

173.22(a)(2)

173.24(c)

173.202(a)

Exhibit: 2, 3, 4, 5, 6

Violation Description:

Offering for transportation in commerce a hazardous material, flammable liquids, n.o.s. 3, UN1993, PG II, in unauthorized non-UN standard packagings, when specification packaging is prescribed, in violation of 49 CFR, §§ 171.2(a),(b),(e)&(i), 173.22(a)(2), 173.24(c) and 173.202(a).

Evidence Summary:

During the course of the inspection, the inspectors observed and photographed non-UN standard fiberboard boxes bearing flammable liquid and corrosive labels, and marked, in part, "Flammable liquids, n.o.s. (tetra ethyl silicate, alcohol) UN1993," and "Corrosive liquid, n.o.s. (hydrochloric acid) UN1760 Limited Quantity," affixed with product labels describing the contents as: "2 – A Liquids 2 Gallons, and 2 – B Liquids 16 Ounces (Exhibit 2). Mr. Bob Garrett opened one of the boxes for examination, and the inspectors noted intermediate packagings consisting of four additional non-UN standard fiberboard boxes; the larger two marked with flammable liquid labels, and each containing one non-UN standard 112 oz plastic jerrican of "Vitex A Liquid;" and the smaller two marked with corrosive labels, and each containing one non-UN standard 16 oz plastic bottle of "Vitex B Liquid" (Exhibits 3 and 4).

Mr. Garrett provided the inspectors with Material Safety Data Sheets (MSDS) for "Vitex A Liquid" and "Vitex B Liquid" (Exhibit 5). The MSDS for "Vitex A Liquid" denotes the material having a closed cup flash point of 13 degrees C (Exhibit 5, page 1), requiring a PG II assignment as prescribed by § 173.121(a). Mr. Garrett also provided the inspectors with shipping papers numbered GAR-0009563, GAR-0009847 and GAR-0009918, and dated August 10, October 6 and October 24, 2005, respectively, denoting shipments of flammable liquids, n.o.s. (tetraethyl silicate, alcohol) 3, UN1993, PG II, and Corrosive liquid, n.o.s. (hydrochloric acid) 8, UN1760, PG II, Ltd Qty, packaged in the observed type combination packagings (Exhibit 6).

Section 173.22(a) states, in part, "Except as otherwise provided in this part, a person may offer a hazardous material for transportation in a packaging or container required by this part only in accordance with the following:

(2) The person shall determine that the packaging or container is an authorized packaging, including part 173 requirements."

Section 173.202(a) states, in part, "When § 172.101 of this subchapter specifies that a liquid hazardous material be packaged under this section, only non-bulk packagings prescribed in this section may be used for its transportation."

In this case, the non-UN standard combination packaging fiberboard boxes and plastic jerricans used by Garreco to package the product "Vitex A Liquid," are not prescribed packagings listed in § 173.202(b), and should not have been used to package flammable liquids, n.o.s. 3, UN1993, PG II.

Additional Information Pertaining to the Inspection:

Correspondence addressing the probable violation received on December 19, 2005. Mr. Bob Garrett properly addressed the violation by stating that company has suspended all shipments of "Vitex A Liquid," and the combination packaging has been sent to Wonder State Box Co. for performance testing. Mr. Garrett provided a purchase order for the UN testing (Exhibit 7).

Note: The MSDS for "Vitex A Liquid" (Exhibit 5, page 1) lists the boiling poing as 78 degrees F. Mr. Garrett confirmed that this number is in error, and the boiling point should read: 78 degrees C.

Exhibit Summary

Evidence		Obtained From		
No.	Description	Name, Title	Company	City, State
1	Exit Briefing	Inspector		
2	Outer Box Photos	Inspector		
3	Intermediate Box Photos	Inspector		
4	Inner Packaging Photos	Inspector		
5	MSDS	Bob D. Garrett, President	Garreco, Incorporated	Heber Springs, AR
6	Shipping Papers	Bob D. Garrett		
7	Corrective Action	Bob D. Garrett		

STRAIGHT BILL OF LADING - ORIGINAL - NOT NEGOTIABLE

Pay Terms: Pre-Paid

Page: 1 of 1

B/L #: GAR-0009563

PO#: 54916/3914

CONSIGNEE:

GREEN DENTAL LABORATORY
1099 WILBURN ROAD

HEBER SPRINGS, AR 72543

Ship Date: 08/10/2005

Trailer:

FOR CARRIER CONVENIENCE CONTACT
CONSIGNEE 24 HOURS PRIOR TO DELIVERY.
362-3132 MUST DELIVER BEFORE
12:00 NOON.

SHIPPER:

GARRECO, INC.
1274 COOTER NECK ROAD

HEBER SPRINGS, AR 72543

BILL TO:

GARRECO
P.O. BOX 1258

HEBER SPRINGS, AR 72543

Collect on Delivery \$ _____ and remit to: _____

Street _____ City _____ State _____ Country _____
Carrier must collect cash or certified check unless shipper signs here to accept company check.C.O.D. Charge
to be paid byShipper ☐
Consignee ☐

Signed: _____

Zip Code _____

Hdip Units No. Type	Packages No. Type	HM	Commodity Description	Rate	Charges	Weight	Class
	0 SKD	X	CONTAINING 20 CTNS (2240 OZ) FLAMMABLE LIQUID, n.o.s.: TETRAETHYL SILICATE, ALCOHOL, 3, UN1993, II, & (320 OZ) CORROSIVE, n.o.s. (HYDROCHLORIC ACID) 8, UN1760, II, LTD QTY *** EMERGENCY CONTACT*** (800) 424-9300			400	70
	4 SKD		NMFC: 117 04260 CONTAINING 132 CTNS DENTAL INVESTMENT COMPOUND NMFC: 056700			5202	50
	4		*** TOTALS ***			5602	

Mark "X" to designate Hazardous Materials as defined in DOT Regulations.

NOTE (1) Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property as follows:

The agreed or declared value of the property is specifically stated by the shipper to be

not exceeding _____ per _____

NOTE (2) Liability Limitation for loss or damage on this shipment may be applicable. See 49 U.S.C. §14706(c)(1)(A) and (B).

NOTE (3) Commodities requiring special or additional care or attention in handling or stowing must be so marked and packaged as to ensure safe transportation with ordinary care. See Sec. (2) of NMFC Item 360.

Freight charges are PREPAID
unless marked collect.
CHECK BOX IF COLLECT ☐

FOR FREIGHT COLLECT SHIPMENTS:

If this shipment is to be delivered to the consignee, without recourse on the
consignor, the consignor shall sign the following statement:
The carrier may decline to make delivery of this shipment without payment of
freight and all other lawful charges.

(Signature of Consignor)

RECEIVED, subject to individually determined rates or contracts that have been agreed upon in writing by
fications and rules that have been established by the carrier and are available to the shipper or request, the
terms and condition of contents of packages unknown) marked, consigned, and destined as shown above
otherwise to deliver to another carrier on the route to destination. Every service to be performed hereunder
or written, herein contained, including the conditions on the back hereof, which are hereby

This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled and are in proper condition for

U.S. DOT/RSPA/OHME/SOUTHWEST REGION
REPORT NUMBER: 05451361
EXHIBIT NUMBER: 5
PAGE NUMBER 1 OF 3

Shipper:

GARRECO, INC.

Carrier:

PLANT TRUCK LINE

Per:

Per:

8-5-05

STRAIGHT BILL OF LADING - ORIGINAL - NOT NEGOTIABLE

Pay Terms: Pre-Paid

Driver signature acknowledged receipt of freight only
Terms & Conditions of the Carrier's Tariffs apply

69520943-9

FedEx
Freight

Page: 1 of 1

B/L #: GAR-0009847

PO#: 55908/1003R4

CONSIGNEE: 930500
 TRU COAT DENTAL SUPPLY
 1117 EAST STEWART AVENUE
 FLINT, MI 48505

Ship Date: 10/06/2005

Trailer:

FOR CARRIER CONVENIENCE, CONTACT

CONSIGNEE 24 HOURS

PRIOR TO DELIVERY 810-785-8257. SKID WEIGHT
50# EACH.

SHIPPER: GAR
 GARRECO, INC.
 1274 COOTER NECK ROAD

BILL TO: PO
 GARRECO
 P.O. BOX 1258

HEBER SPRINGS, AR 72543

HEBER SPRINGS, AR 72543

Collect on Delivery \$ _____ and remit to: _____

Street _____ City _____ State _____ Country _____

Carrier must collect cash or certified check unless shipper signs here to accept company check.

C.O.D. Charge

to be paid by

Shipper ☐Consignee ☐

Signed: _____

Zip Code _____

Hdg. Units No. Type	Packages No. Type	⊗ HM	Commodity Description	Rate	Charges	Weight	Class
	0 SKD	X	CONTAINING 9 CTNS FLAMMABLE LIQUIDS, n.o.s. (tetraethyl silicate, alcohol), 3, UN1993, PGII, & CORROSIVE LIQUIDS, n.o.s. (hydrochloric acid), 8, UN1760, PGII, LTD QTY *** EMERGENCY CONTACT*** (800) 424-9300 NMFC: 04260			270	70
	1 SKD		CONTAINING 28 CTNS DENTAL INVESTMENT COMPOUND NMFC: 056700			1372	50
	1		*** TOTALS ***			1642	

⊗ Mark "X" to designate Hazardous Materials as defined in DOT Regulations.

NOTE (1) Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property as follows:

The agreed or declared value of the property is specifically stated by the shipper to be

not exceeding _____ per _____

NOTE (2) Liability Limitation for loss or damage on this shipment may be applicable. See 49 U.S.C. §14706(c)(1)(A) and (B).

NOTE (3) Commodities requiring special or additional care or attention in handling or stowing must be so marked and packaged as to ensure safe transportation with ordinary care. See Sec. (2) of NMFC Item 360.

Freight charges are PREPAID
 unless marked collect
 CHECK BOX IF COLLECT ☐

FOR FREIGHT COLLECT SHIPMENTS:

If this shipment is to be delivered to the consignee, without recourse on the
 consignor, the consignor shall sign the following statement:
 The carrier may decline to make delivery of this shipment without payment of
 freight and all other lawful charges.

(Signatures of Consignor)

RECEIVED, subject to individually determined rates or contracts that have been agreed upon in writing between
 the shipper and the carrier, and are available to the shipper on request, the pre-
 sents and condition of contents of packages (unknown) marked, consigned, and destined as shown above,
 otherwise to deliver to another carrier on the route to destination. Every service to be performed hereunder
 or written, herein contained, including the conditions on the back hereof, which are hereby agreed.

This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transport.

U.S. DOT/RSPA/OHME/SOUTHWEST REGION
 REPORT NUMBER: 05451461
 EXHIBIT NUMBER: 6
 PAGE NUMBER 2 OF 3

Shipper:

GARRECO, INC.

Carrier:

FEDEX (SHIPPER LOAD & CT)

Per:

Per:

DMD O FFF 10-6

STRAIGHT BILL OF LADING - ORIGINAL - NOT NEGOTIABLE

Pay Terms: Pre-Paid

Page: 1 of 1

B/L #: GAR-0009918

PO#: 56183

Driver signature acknowledges receipt of freight only
Terms & Conditions of the Carrier's Tariffs apply

69520838-1

FedEx
Freight

CONSIGNEE: NU-ART
NU-ART DENTAL LABORATORY
353 NORTH 121ST STREET

WAUWATOSA, WI 53226

Ship Date: 10/24/2005

Trailer:

FOR CARRIER CONVENIENCE, CONTACT
CONSIGNEE 24 HOURS PRIOR TO DELIVERY.
414-771-4118 **SKID WT 50# EA**

SHIPPER: GAR
GARRECO, INC.
1274 COOTER NECK ROAD

HEBER SPRINGS, AR 72543

BILL TO: PO
GARRECO
P.O. BOX 1258

HEBER SPRINGS, AR 72543

Collect on Delivery \$ _____ and remit to: _____

Street _____ City _____ State _____ Country _____
Carrier must collect cash or certified check unless shipper signs here to accept company check.C.O.D. Charge
to be paid byShipper ☐
Consignee ☐

Signed: _____

Zip Code _____

Hdg. Units No. Type	Packages No. Type	Ⓢ HM	Commodity Description	Rate	Charges	Weight	Class
	0 SKD	X	CONTAINING 11 CTNS FLAMMABLE LIQUIDS, n.o.s. (tetraethyl silicate, alcohol), 3, UN1993, PGII, & CORROSIVE LIQUIDS, n.o.s. (hydrochloric acid), 8, UN1760, PGII, LTD QTY *** EMERGENCY CONTACT*** (800) 424-9300 NMFC: 04260			220	70
	1 SKD		CONTAINING 16 CTNS DENTAL INVESTMENT COMPOUND NMFC: 056700			800	50
	1		*** TOTALS ***			1020	

Ⓢ Mark "X" to designate Hazardous Materials as defined in DOT Regulations.

NOTE (1) Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property as follows:

The agreed or declared value of the property is specifically stated by the shipper to be

not exceeding _____ per _____

NOTE (2) Liability Limitation for loss or damage on this shipment may be applicable. See 49 U.S.C. §14706(c)(1)(A) and (B).

NOTE (3) Commodities requiring special or additional care or attention in handling or stowing must be so marked and packaged as to ensure safe transportation with ordinary care. See Sec. (2) of NMFC Item 360.

Freight charges are PREPAID
unless marked collect
CHECK BOX IF COLLECT ☐

FOR FREIGHT COLLECT SHIPMENTS:

If this shipment is to be delivered to the consignee, without recourse on the
consignor, the consignor shall sign the following statement:
The carrier may decline to make delivery of this shipment without payment of
freight and all other lawful charges.

(Signature of Consignor)

RECEIVED, subject to individually determined rates or contracts that have been agreed upon in writing between
fications and rules that have been established by the carrier and are available to the shipper on request, the
tents and condition of contents of packages unknown) marked, consigned, and destined as shown above
otherwise to deliver to another carrier on the route to destination. Every service to be performed hereunder
or written, herein contained, including the conditions on the back hereof, which are hereby agreed

This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transport.

U.S. DOT/RSPA/OHME/SOUTHWEST REGION
REPORT NUMBER: 05451261
EXHIBIT NUMBER: 6
PAGE NUMBER 3 OF 3

Shipper:

GARRECO, INC.

Carrier:

FEDEX (SHIPPER LOAD & CT)

Per:

Per:

Signature of Shipper: [Signature]
Signature of Carrier: [Signature] 10.24



U.S. Department
of Transportation

Pipeline and
Hazardous Materials
Safety Administration

Office of Hazardous
Materials Enforcement
Southwest Region

8701 South Gessner Rd.
Suite 1110
Houston, Texas 77074

EXIT BRIEFING

(This document is not a final report.)

Date: 11/16/2005 Report Control #: 05451061

Company Name: GARRECO, INC.

Address: 1274 COSTERNECK RD., HEBER SPRINGS, AR 71543

NAME OF INDIVIDUALS RECEIVING BRIEFING:

Name: BOB GARRETT Title: PRESIDENT

Name: _____ Title: _____

Name: _____ Title: _____

This has been a compliance inspection conducted in accordance with Title 49 U.S.C. Section 5121(c). This exit briefing addresses only the areas noted, and it is not a finding of general compliance in any other areas covered by the Hazardous Materials Regulations that were subject to the inspection.

During the course of the inspection the following probable violations of 49 CFR and/or quality control items were noted.

① Section: 173.22(a)(2), 173.202(a)

Explanation:

OFFERING FOR TRANSPORTATION IN COMMERCE, A PG II FLAMMABLE LIQUID, IN UNAUTHORIZED, NON-UN STANDARD COMBINATION PACKAGINGS.

* FLAMMABLE LIQUID, N.O.S., 3, UN1993, PG II, PACKAGED IN ONE GALLON PLASTIC JERRICANS, AND PACKED IN FIBERBOARD BOX.

This document is not a final report. The information gathered at this inspection and any probable violations noted will be reviewed prior to finalizing the report. Probable violation(s) may be removed or others may be added during this review. In addition, quality control items may be revised to become probable violations during this review.

Upon determination that a probable violation exists, the Associate Administrator for Hazardous Materials Safety is authorized to impose certain sanctions, including warning letters, tickets, compliance orders, and civil penalties. In addition, court actions, including injunctive or criminal proceedings, may be initiated. Title 49 U.S.C. Sections 5123 and 5124 provide for civil and criminal penalties for violation of the Hazardous Materials Regulations.

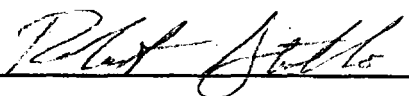
A civil penalty of not more than \$32,500, but not less than \$275, per violation may be imposed through administrative proceedings initiated by the Office of Chief Counsel of the Pipeline and Hazardous Materials Safety Administration. When a criminal violation has been determined by a court, a fine, or imprisonment for not more than 5 years, or both, may be imposed for each violation.

The inspector does not determine which sanction, if any, may be imposed and cannot provide information concerning what proceedings will be initiated or sanctions imposed.

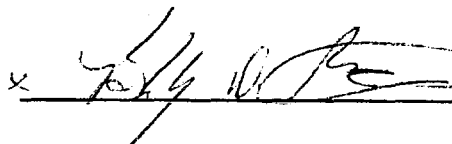
Documentation of corrective action submitted in writing to the inspector within 30 days of the inspection may be considered for mitigation should the sanction imposed result in the issuance of a notice proposing a civil penalty. However, any documented corrective action would not eliminate or preclude the initiation of a civil penalty proceeding, a finding of violation, or assessment of a civil penalty.

Our objective is to ensure a fair regulatory enforcement environment. If you feel you have been treated unfairly or unprofessionally, you may contact John O'Connell at 202-266-4700, or e-mail us at OHME-HQ@dot.gov. You also have a right to contact the Small Business Administration's National Ombudsman at 1-888-REGFAIR, or www.sba.gov/ombudsman regarding the fairness of the compliance and enforcement activities by this agency. The Pipeline and Hazardous Materials Safety Administration strictly forbids retaliatory acts by its employees. As such, you should feel confident that you will not be penalized for expressing your concerns about compliance and enforcement activities.

I certify that I received the above briefing as it appears on this form. I understand that by signing this form I am in no way expressing agreement with its contents. I am only acknowledging that I have reviewed it and have received a copy.



Signature of Inspector(s)



Signature of Representative(s)

11/12/2005

Date

x 11-16-05

Date

U.S. DOT/RSPA/OHME/SOUTHWEST REGION

REPORT NUMBER: 05951261

EXHIBIT NUMBER: 1

PAGE NUMBER 2 OF 2

Vitex 'A' Liquid**Material Safety Data Sheet***Vitex A Liquid***Section I****Garreco, Inc.**

Emergency Telephone Number: CHEMTRAC 800-424-9300

Manufacturer:

P. O. Box 1258

Telephone Number for Information: 501-362-6261

Heber Springs, AR 72543

Date Prepared: 1/1/05

Section II - Hazardous Ingredients/Identity Information**Hazardous Components**

	OSHA PEL	ACGIH TLV	Other Limits Recommended
Ethyl Alcohol (CAS# 64-17-5)	1000	No	NAIF
Isopropyl Alcohol (CAS# 67-63-0)	400	500	NAIF
Ethyl Silicate (CAS# 78-10-4)	850	85	NAIF
Polysilicates (CAS# 11099-06-2)	No	No	NAIF

Section III - Physical/Chemical Characteristics

Boiling Point: 78°F

Specific Gravity (H₂O=1): .79 @ 20°C

Vapor Pressure (mm Hg.): Ap 13 @ 50°C

Melting Point: N/A

Vapor Density (AIR=1): 1.59

Evaporation Rate (Butyl Acetate =1): LT 1

Solubility in Water: Complete

Appearance and Odor: Clear liquid, sweet. Alcohol odor.

Section IV - Fire and Explosion Hazard Data

Flash Point : Closed Cup 13°C

Flammable Limits

LEL: 3.53%

UEL: 21.20%

Extinguishing Media: Water spray, Alcohol foam, CO₂, Dry chemical.

Special Fire Fighting Procedures: Wear self contained breathing apparatus and protective clothing to prevent contact with skin and eyes.

Water may be ineffective, use water to keep containers cool.

Unusual Fire and Explosion Hazards: Flammable Liquid. Vapors are heavier than that air and may travel along the ground, or move by ventilation to an ignition source and may flash back.

Section V - Reactivity Data

Stability: Stable

Conditions to Avoid: N/A

Incompatibility: Oxidizing materials.

Hazardous Decomposition or By-products: Carbon monoxide, carbon dioxide.

Hazardous Polymerization: Will Not Occur

Conditions to Avoid: N/A

Section VI - Health Hazard Data

Route(s) of Entry:

Inhalation? Yes

Skin? Yes

Ingestion? Yes

Health Hazards: Acute; Eye or skin irritation. Chronic; Nasal irritation, headache.

Carcinogenicity: NTP? No

IARC Monographs? No

OSHA Regulated? No

Signs and Symptoms of Exposure: Irritation of skin or eyes, dizziness or light headedness.

Medical Conditions Generally Aggravated by Exposure: Upper respiratory complications.

Emergency and First Aid Procedures: Inhalation: Remove to fresh air. Ingestion: Consult physician. Eye: Flush with water for 15 minutes. Skin: Wash affected areas with soap and water. OBTAIN MEDICAL ATTENTION IF NEEDED.

Section VII - Precautions for Safe Handling and Use

Steps to Be Taken in Case Material is Released or Spilled: Remove all sources of ignition, use water spray to disperse vapors and dilute spill to nonflammable mixture. Prevent runoff from entering drains, sewers, and streams.

Waste Disposal Method: Comply with Federal, State, and Local laws. Follow warnings even after container is emptied. Keep away from ignition source.

Precautions to Be Taken in Handling and Storing: Keep container closed. Keep away from heat, sparks and flame. Use adequate ventilation.

Section VIII - Control Measures

Respiratory Protection: Use NIOSH approved respirator, suitable for level of exposure.

Ventilation

Local Exhaust: Supplementary

Special: NAIF

Mechanical (General): Good general ventilation

Other: NAIF

Protective Gloves: Impervious gloves for prolonged exposure

Eye Protection: Safety glasses with side shields

Other Protective Clothing or Equipment: N/A

Work/Hygienic Practices: Wash thoroughly after handling

U.S. DOT/RSPA/OHME/SOUTHWEST REGION

REPORT NUMBER: 05451261EXHIBIT NUMBER: 5PAGE NUMBER 1 OF 2

Vitex A Liquid

Vitex 'B' Liquid**Material Safety Data Sheet**

Vitex B Liquid

Section I Garreco, Inc.
Manufacturer: P. O. Box 1258
Heber Springs, AR 72543

Emergency Telephone Number: CHEMTRAC 800-424-9300
Telephone Number for Information: 501-362-6261
Date Prepared: 1/1/05

Section II - Hazardous Ingredients/Identity Information

Hazardous Components	OSHA PEL	ACGIH TLV	Other Limits Recommended
Hydrogen Chloride (CAS# 7647-01-0)	5 ppm	5 ppm	NAIF

Section III - Physical/Chemical Characteristics

Boiling Point: 83°C	Specific Gravity (H ₂ O=1): .94 @ 25°C
Vapor Pressure (mm Hg.): 25 at 20°C	Melting Point: 53°C
Vapor Density (AIR=1): 1.27	Evaporation Rate (Butyl Acetate =1): <1
Solubility in Water: Complete	Appearance and Odor: Green liquid, pungent odor

Section IV - Fire and Explosion Hazard Data

Flash Point : N/A Flammable Limits LEL: None UEL: None

Extinguishing Media: Water, neutralize with alkaline materials.

Unusual Fire and Explosion Hazards: Hydrochloric acid reacts with steel and other metals to generate hydrogen gas, which is a serious fire and explosive hazard.

Special Fire Fighting Procedures: Wear self contained breathing apparatus & full, firefighting protective clothing.

Section V - Reactivity Data

Stability: Stable Conditions to Avoid: Avoid elevated temperatures. Increased vapor pressure may rupture container.

Incompatibility: Metals and water reactive materials.

Hazardous Decomposition or By-products: Hydrogen chlorine vapors are released in increasing amounts at higher temperatures.

Hazardous Polymerization: Will Not Occur

Section VI - Health Hazard Data

Route(s) of Entry: Inhalation? Yes Skin? Yes Ingestion? Yes

Health Hazards: Acute; Eye, skin or respiratory tract irritation or burns. Chronic; Nasal irritation.

Carcinogenicity: NTP? No IARC Monographs? No OSHA Regulated? No

Signs and Symptoms of Exposure: Irritation or burning of eyes and skin. Intense tearing, coughing, throat irritation, sneezing or labored breathing.

Medical Conditions Generally Aggravated by Exposure: Respiratory conditions and some skin conditions.

Emergency and First Aid Procedures: Inhalation: Remove to fresh air. Ingestion: Give large amounts of water, do not induce vomiting. Eye: Flush with water for 15 minutes. Skin: Immediately flush with water, remove contaminated clothing. OBTAIN MEDICAL ATTENTION IF NEEDED.

Section VII - Precautions for Safe Handling and Use

Steps to Be Taken in Case Material is Released or Spilled: Provide for adequate ventilation, dilute with water. Neutralize with alkaline materials. Keep from sewer.

Waste Disposal Method: Consult Federal, State, and Local laws.

Precautions to Be Taken in Handling and Storing: Keep container closed, Use adequate ventilation, Wash thoroughly after handling. Keep away from metals or other incompatible chemicals. Avoid contact with skin, eyes, and clothing.

Section VIII - Control Measures

Respiratory Protection: Use NIOSH approved respirator for hydrogen chlorine gas.

Ventilation	Local Exhaust: As needed	Special: N/A
	Mechanical (General): Corrosion resistant ventilation	Other: N/A

Protective Gloves: Gauntlet gloves

Eye Protection: Chemical safety goggles (face shield recommended)

Other Protective Clothing or Equipment: Apron

Work/Hygienic Practices: Provide eyewash stations, shower facilities are recommended.

U.S. DOT/RSPA/OHME/SOUTHWEST REGION
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PAGE NUMBER 2 OF 2

Haz-mat Corrective actions taken

16-Nov-05

Meet with Bob Strollo & Sean Laney with the Department of Transportation
Mr. Strollo stated that they were driving down Cooterneck Rd. & happened past our buildings and decided to stop.
Mr. Strollo stated that they with D.O.T. and asked if we handle any hazardous material. I gave Mr. Strollo & Mr. Laney a tour of the plant with particular interest in the areas where hazardous materials are stored and packaged.
During the tour Mr. Strollo inspected several items with particular interest in a package containing our Vitex liquids. The item Mr. Strollo was concerned with was the "A" liquid which is a combination of tetraethyl silicate & alcohol.
Mr. Strollo took several pictures of the packaging and asked multiple question of its content and methods of shipment.
Mr. Strollo informed me that this particular packaging was incorrect for this product and should be changed.
We returned to my office, at that point Mr. Strollo asked for training records of some of our employees and shipping record for our Vitex liquids. Copies of each were furnished to Mr. Strollo.
Mr. Strollo offered a CD for Hazmat Transportation Security Awareness to assist in our training of employees
Mr. Strollo filled out an Exit Briefing finding possible violation with our packaging of our Vitex liquids.
Upon there exit I prepared and distributed a company memo pulling from our product line, all packages for sale containing the one gallon Vitex "A" liquid.
Later that day I held a meeting with Tammy Hefner. She is Garreco's appointed Hazmat supervisor. I informed her of the findings and gave her the CD for her review.

17-Nov-05

Held a meeting with Tammy to determine course of action concerning packaging errors
Tammy & I agreed to pursue having our packages UN tested.
Tammy also requested time for hazmat trained employees to review Hazmat Transportation Security Awareness CD left by Mr. Strollo. I told her to schedule time for each at the earliest possible time.
I additionally requested that Tammy review all other hazmat packages to insure D.O.T. compliance.
I placed a call to our carton supplier to inquire as to time table to have our packages UN tested. Randy Nichols the sales representative from Wonder State Box Co. Said he would check into this & call back with relivent information.
I called Container Supply Inc. to inquire if the bottles we were using were available in UN approved containers. They stated they did not have a source for this particular bottle in UN approved package.

18-Nov-05

Randy Nichols called with information about UN testing. Randy said we would have to prepare 5 packages for the UN test. He would have to turn this over to Gaylon Farmer. Gaylon is in charge of hazardous packaging for Southern Missouri Containers, the parent company of Wonder State Box.
I spoke with Gaylon concerning UN testing & the time frame. Gaylon said he would place a call to the testing lab and reserve a slot in the labs schedule.
Gaylon called saying we could have our boxes tested the week of December 12th.

Gaylon gave instructions on preparing the packages & contents & also about transportation of them to the testing lab.

22-Nov-05

Reviewed Security procedures with Tammy Hefner

23-Nov-05

Reviewed employee hiring procedures with H.R.

5-Dec-05

Tammy Hefner prepared packages for UN testing.

6-Dec-05

Randy Nichols picked up packages for UN testing.

8-Dec-05

Gaylon received packages for UN testing. Gaylon called lab to confirm schedule.

9-Dec-05

Gaylon called to inform me that he would deliver to test lab on the 13th & that packages were scheduled for testing on the 14th.

13-Dec-05

Gaylon called, packages were delivered to test lab.



P.O. BOX 1258
HEBER SPRINGS, AR 72543 USA
501-362-6261 ~ 800-334-1443
FAX 501-362-2264

Purchase Order

DATE	P.O. NO.
11/18/05	9389

VENDOR
WONDER STATE BOX CO. P.O. BOX 4306 SPRINGFIELD, MO 65808 800-982-0613 FAX 501-327-3879

SHIP TO
Garreco, Inc. 1274 Cooterneck Road P.O. Box 1258 Heber Springs, AR 72543

				SHIP VIA	EXPECTED	TERMS
					11/18/05	Net 30
QTY	RECEIVED	ITEM	DESCRIPTION		PRICE	EXT. PRICE
1		9990000	UN TESTING		700.00	700.00
5		9000640	Vitex Lg. "A" Liquid 275#		0.40	2.00
			See Randy Nichols for this order			
Confirmed Nick					Total	\$702.00

Please confirm receipt by return fax at (501) 362-2264 or
call (501) 362-6261 Attn: Bob Garrett Thank you!

U.S. DOT/RSPA/OHME/SOUTHWEST REGION
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EXHIBIT NUMBER: 7
PAGE NUMBER: 2 OF 2

PHOTOGRAPHIC EXHIBIT

Location: Garreco, Inc.
Heber Springs, AR
Photographer: Strollo, Robert

Date: 11/16/2005

Camera: Sony DSC-F707



U.S. DOT/PHMSA/OHME

Report Number: 05451061

Exhibit Number: 2

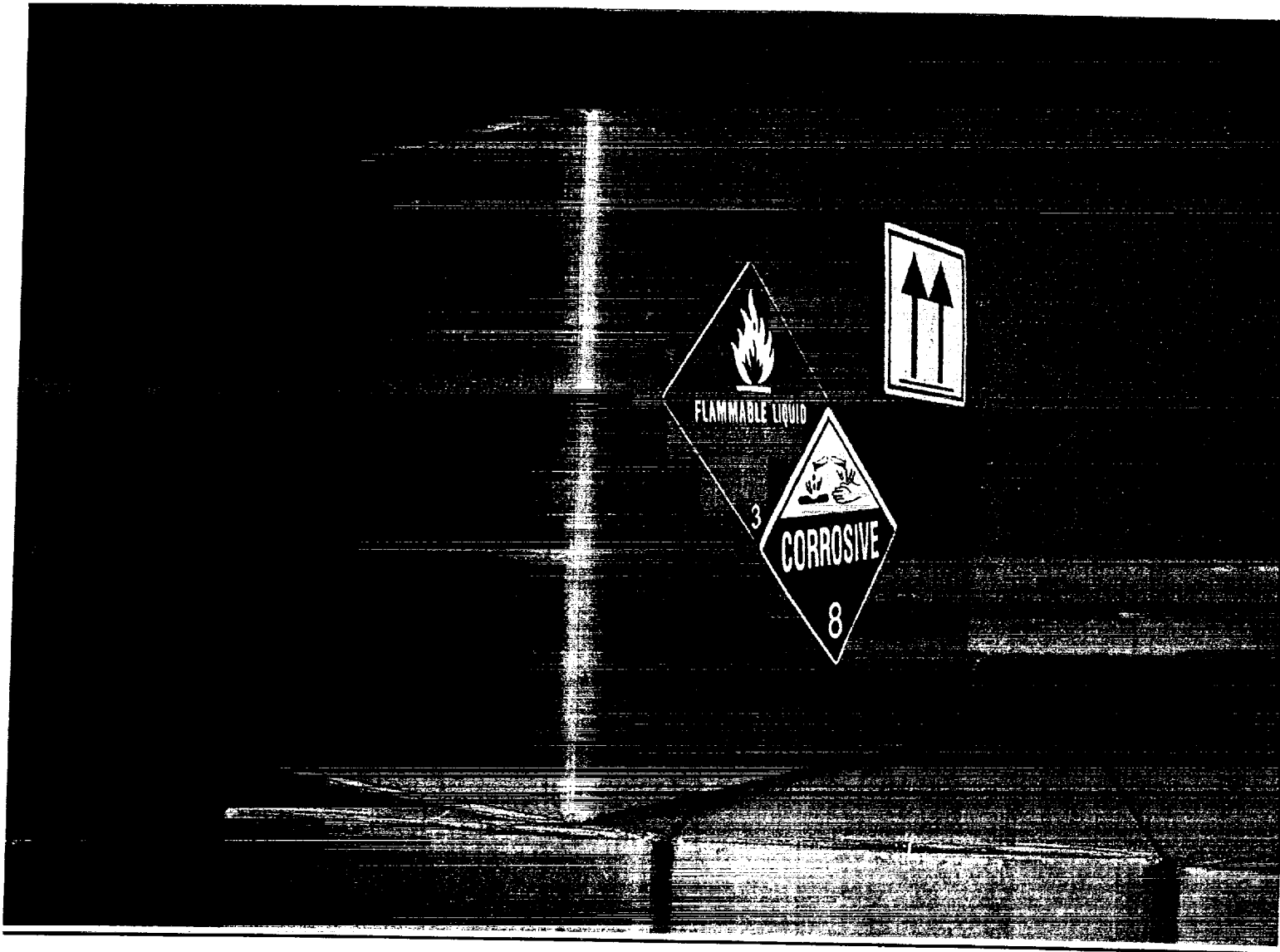
Page Number: 1 of 8

PHOTOGRAPHIC EXHIBIT

Location: Garreco, Inc.
Heber Springs, AR
Photographer: Strollo, Robert

Date: 11/16/2005

Camera: Sony DSC-F707



U.S. DOT/PHMSA/OHME

Report Number: 05451061

Exhibit Number: 2

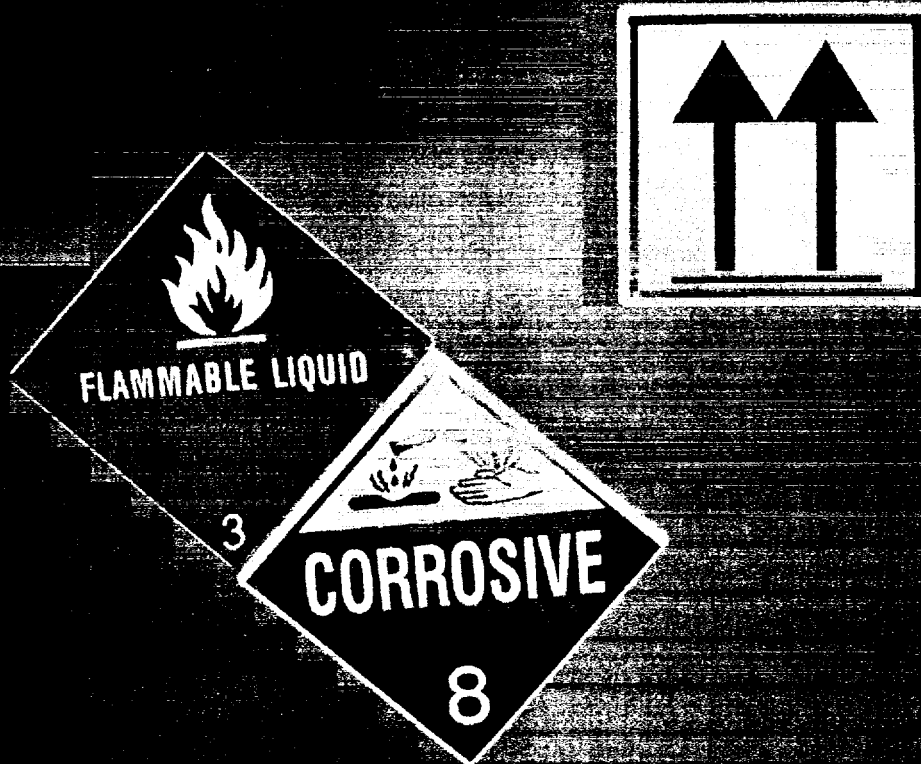
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PHOTOGRAPHIC EXHIBIT

Location: Garreco, Inc.
Heber Springs, AR
Photographer: Stollo, Robert

Date: 11/16/2005

Camera: Sony DSC-F707



U.S. DOT/PHMSA/OHME

Report Number: 05451061

Exhibit Number: 2

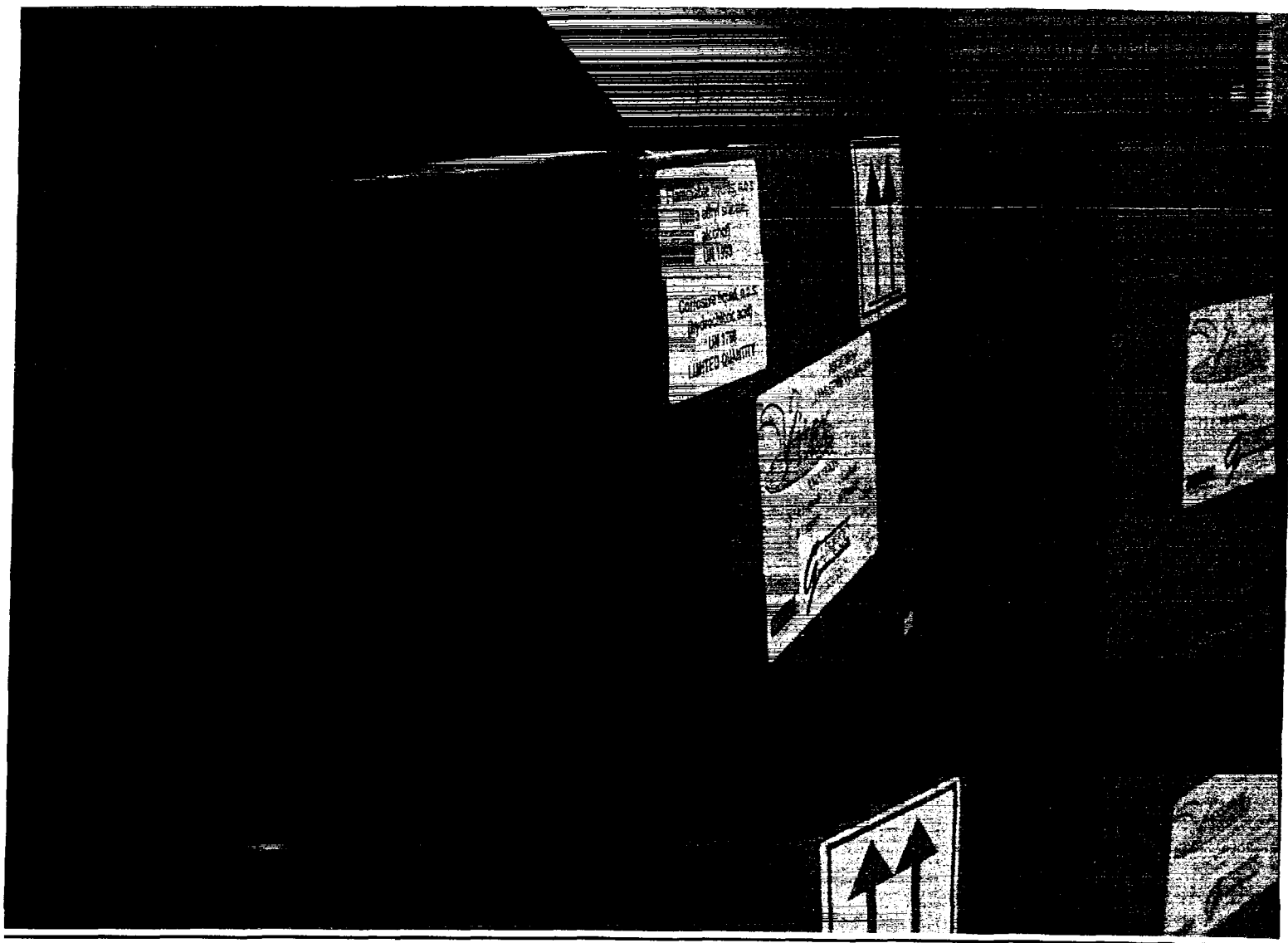
Page Number: 3 of 8

PHOTOGRAPHIC EXHIBIT

Location: Garreco, Inc.
Heber Springs, AR
Photographer: Strollo, Robert

Date: 11/16/2005

Camera: Sony DSC-F707



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PHOTOGRAPHIC EXHIBIT

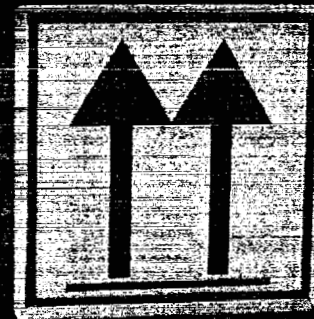
Location: Garreco, Inc.
Heber Springs, AR
Photographer: Strollo, Robert

Date: 11/16/2005

Camera: Sony DSC-F707

Flammable liquids, n.o.s.
tetra ethyl silicate
alcohol
UN 1993

Corrosive liquid, n.o.s.
(nitrosylonic acid)
UN 1950
LIMITED QUANTITY



U.S. DOT/PHMSA/OHME

Report Number: 05451061

Exhibit Number: 2

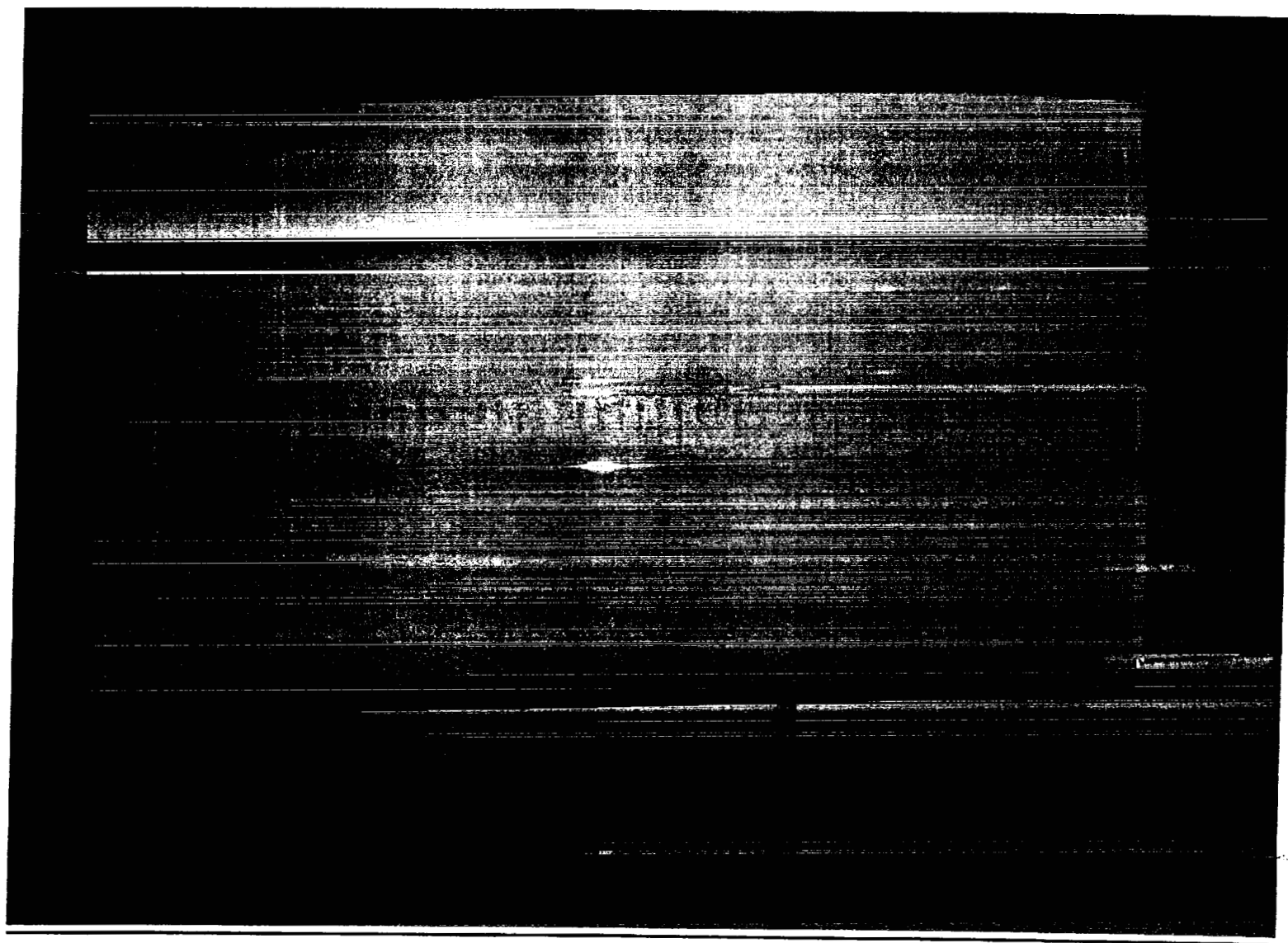
Page Number: 5 of 8

PHOTOGRAPHIC EXHIBIT

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Heber Springs, AR
Photographer: Strollo, Robert

Date: 11/16/2005

Camera: Sony DSC-F707



U.S. DOT/PHMSA/OHME

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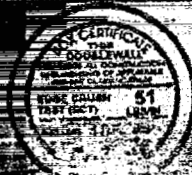
Page Number: 6 of 8

PHOTOGRAPHIC EXHIBIT

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Heber Springs, AR
Photographer: Strollo, Robert

Date: 11/16/2005

Camera: Sony DSC-F707



U.S. DOT/PHMSA/OHME

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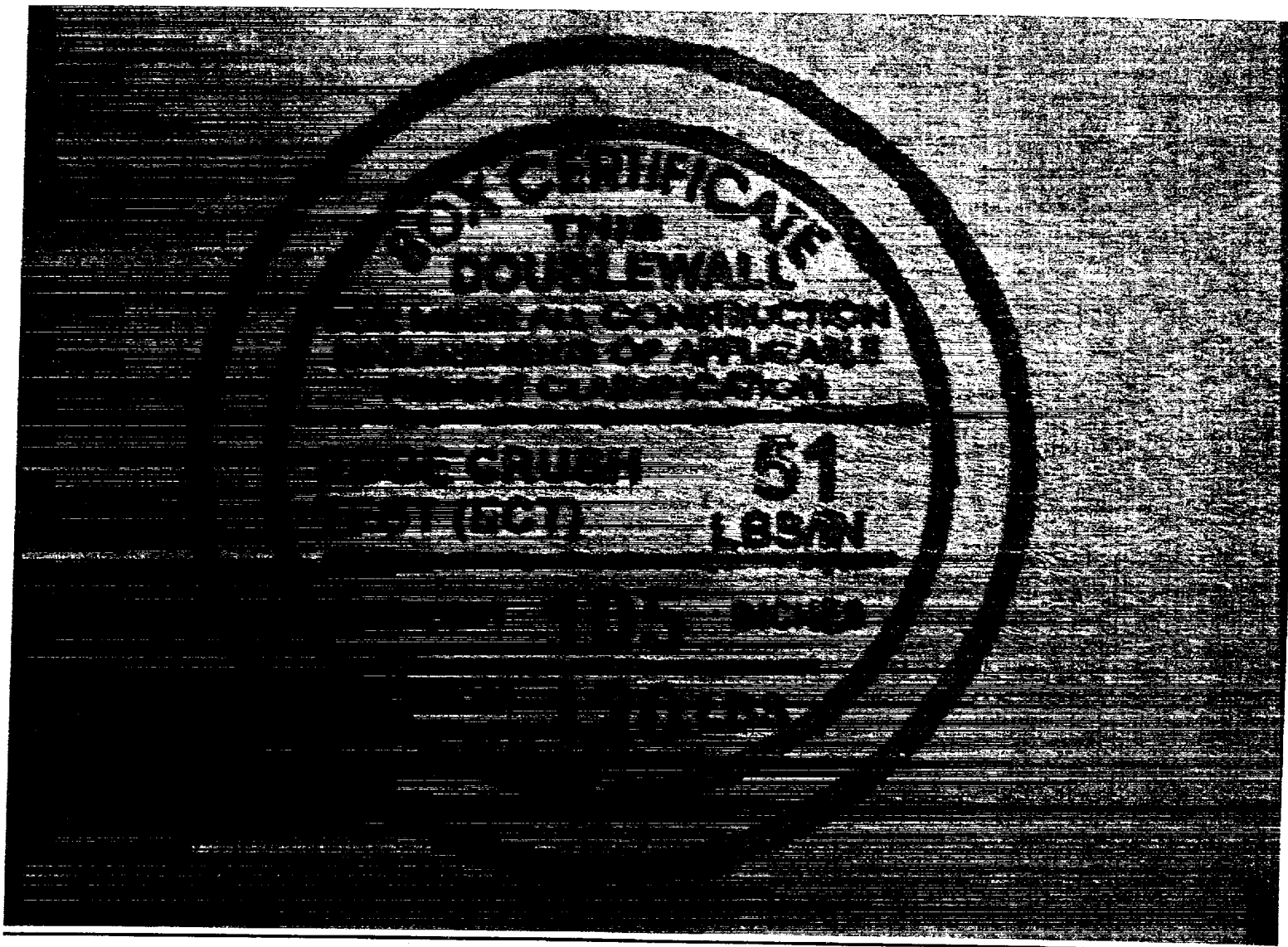
Page Number: 7 of 8

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Heber Springs, AR
Photographer: Strollo, Robert

Date: 11/16/2005

Camera: Sony DSC-F707



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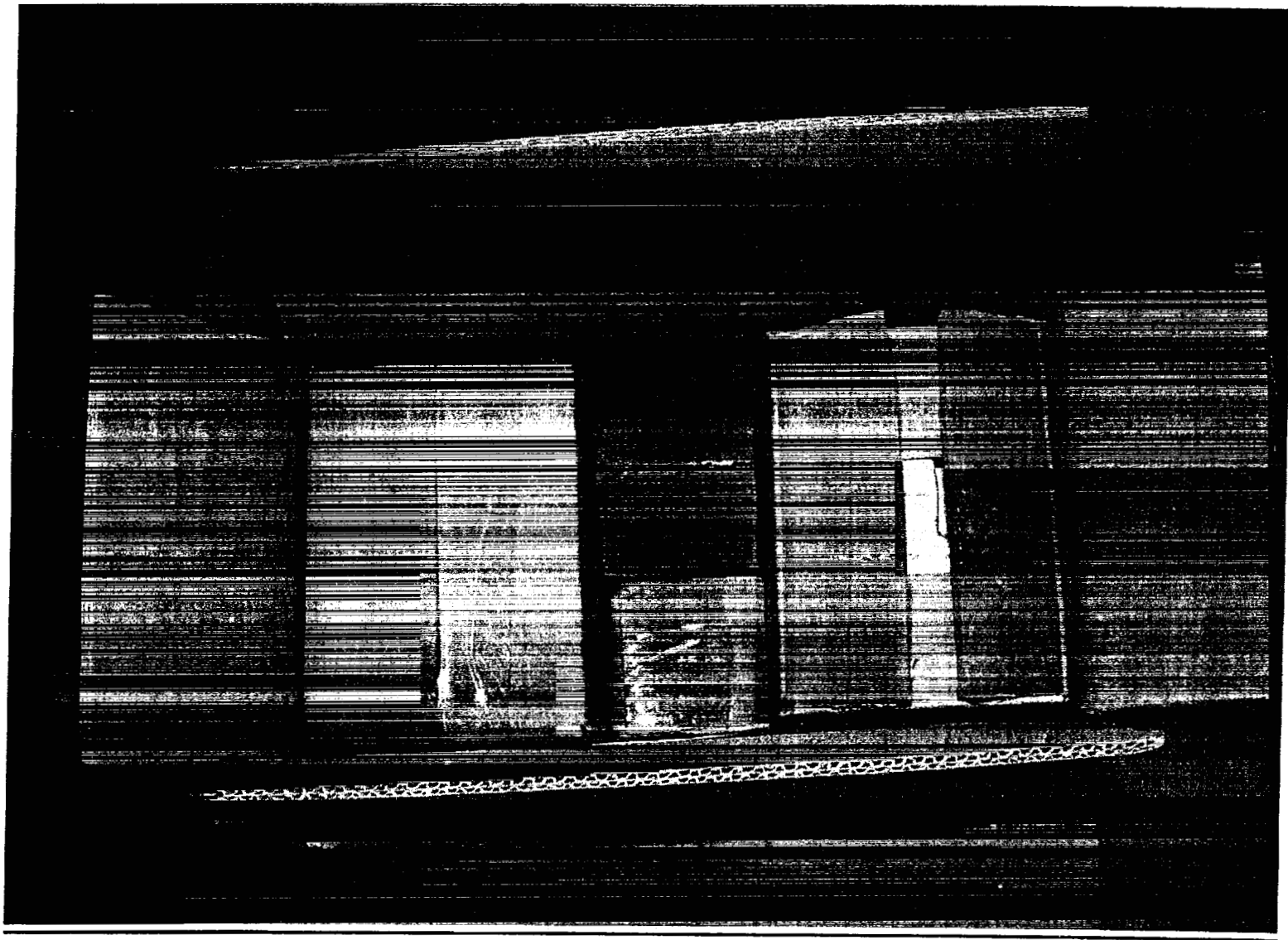
Page Number: 8 of 8

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Heber Springs, AR
Photographer: Strollo, Robert

Date: 11/16/2005

Camera: Sony DSC-F707



U.S. DOT/PHMSA/OHME

Report Number: 05451061

Exhibit Number: 3

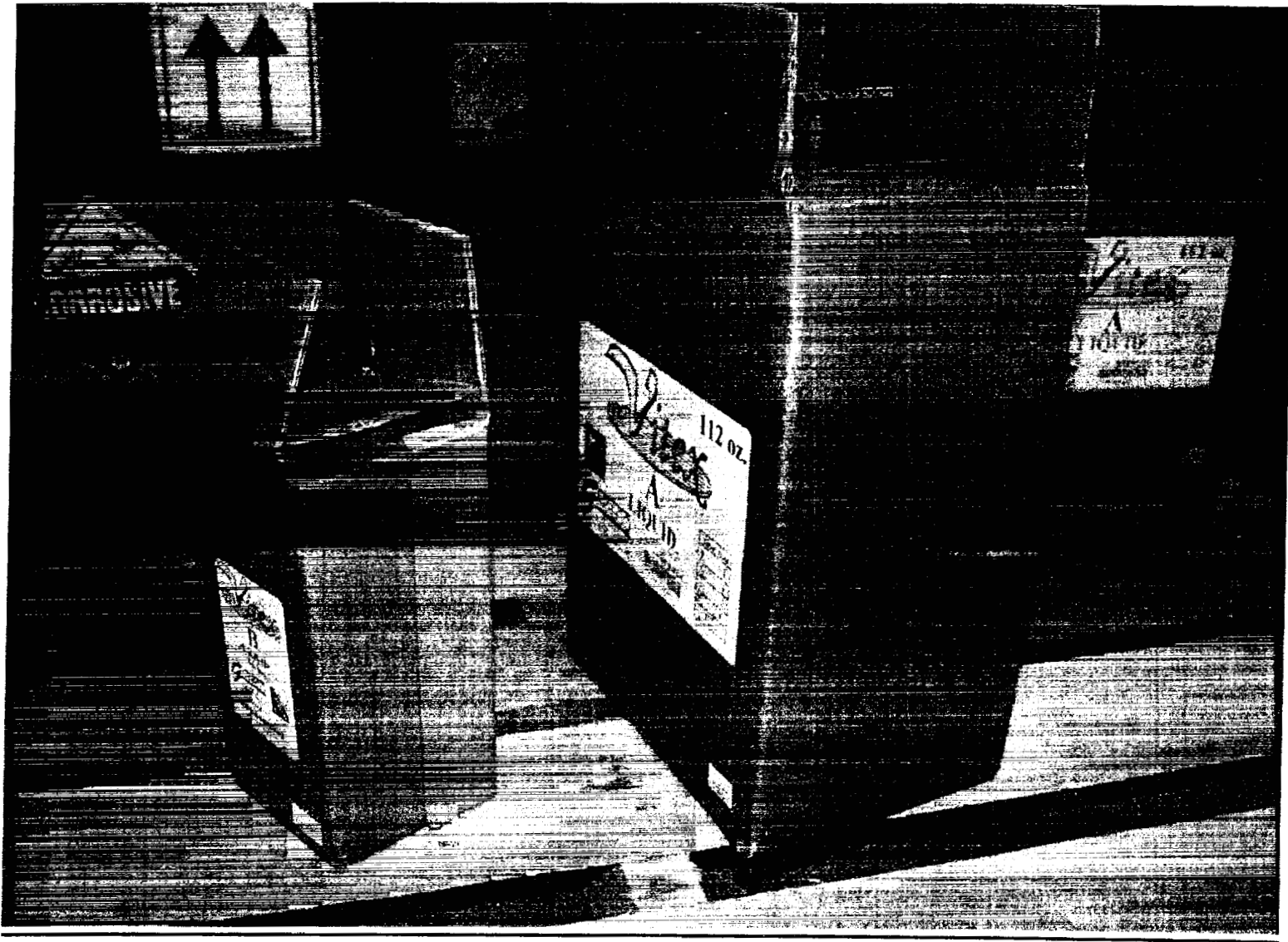
Page Number: 1 of 6

PHOTOGRAPHIC EXHIBIT

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Heber Springs, AR
Photographer: Stollo, Robert

Date: 11/16/2005

Camera: Sony DSC-F707



U.S. DOT/PHMSA/OHME

Report Number: 05451061

Exhibit Number: 3

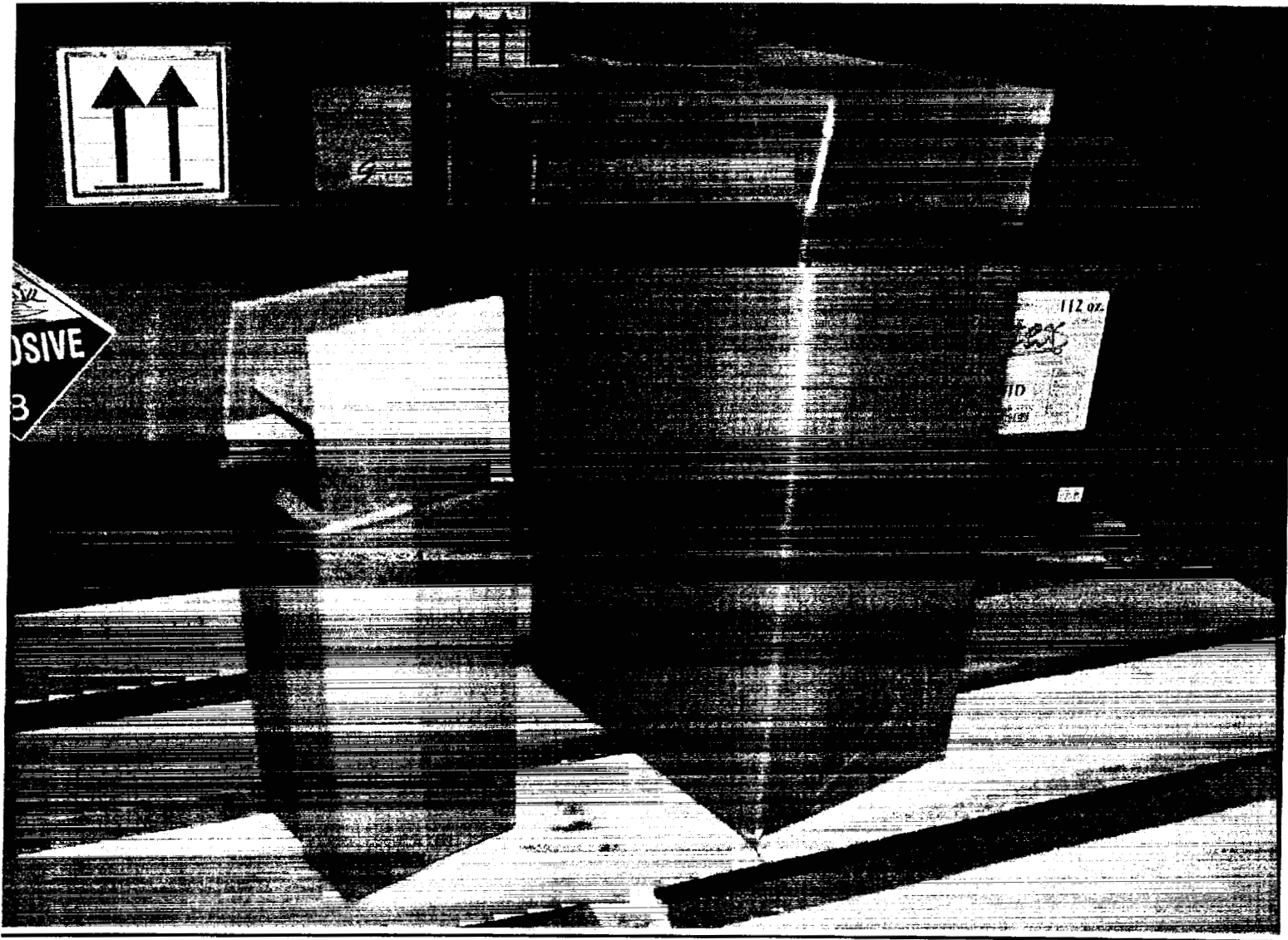
Page Number: 2 of 6

PHOTOGRAPHIC EXHIBIT

Location: Garreco, Inc.
Heber Springs, AR
Photographer: Strollo, Robert

Date: 11/16/2005

Camera: Sony DSC-F707



U.S. DOT/PHMSA/OHME

Report Number: 05451061

Exhibit Number: 3

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PHOTOGRAPHIC EXHIBIT

Location: Garreco, Inc.
Heber Springs, AR
Photographer: Strollo, Robert

Date: 11/16/2005

Camera: Sony DSC-F707



U.S. DOT/PHMSA/OHME

Report Number: 05451061

Exhibit Number: 3

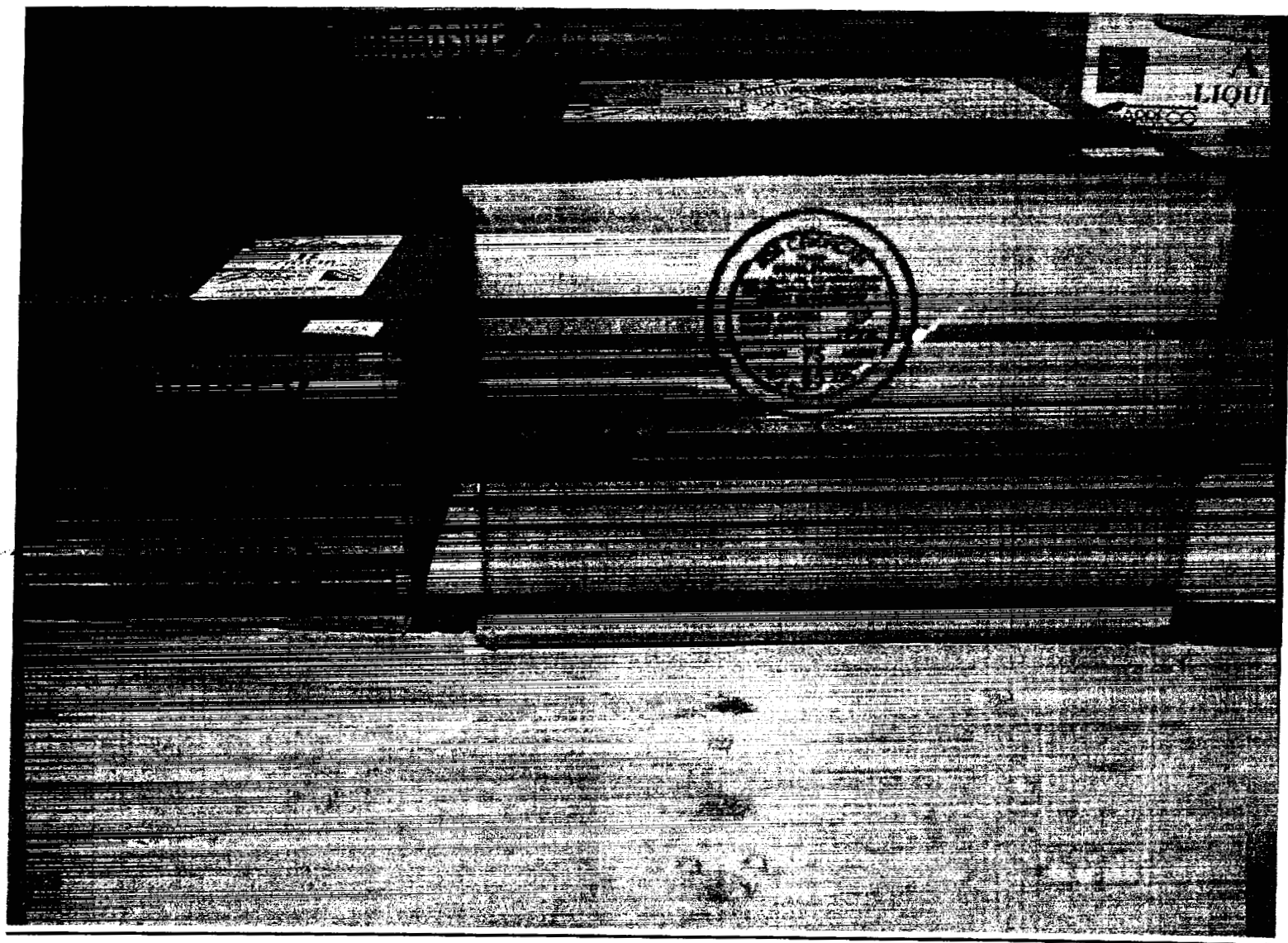
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PHOTOGRAPHIC EXHIBIT

Location: Garreco, Inc.
Heber Springs, AR
Photographer: Strollo, Robert

Date: 11/16/2005

Camera: Sony DSC-F707



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Report Number: 05451061

Exhibit Number: 3

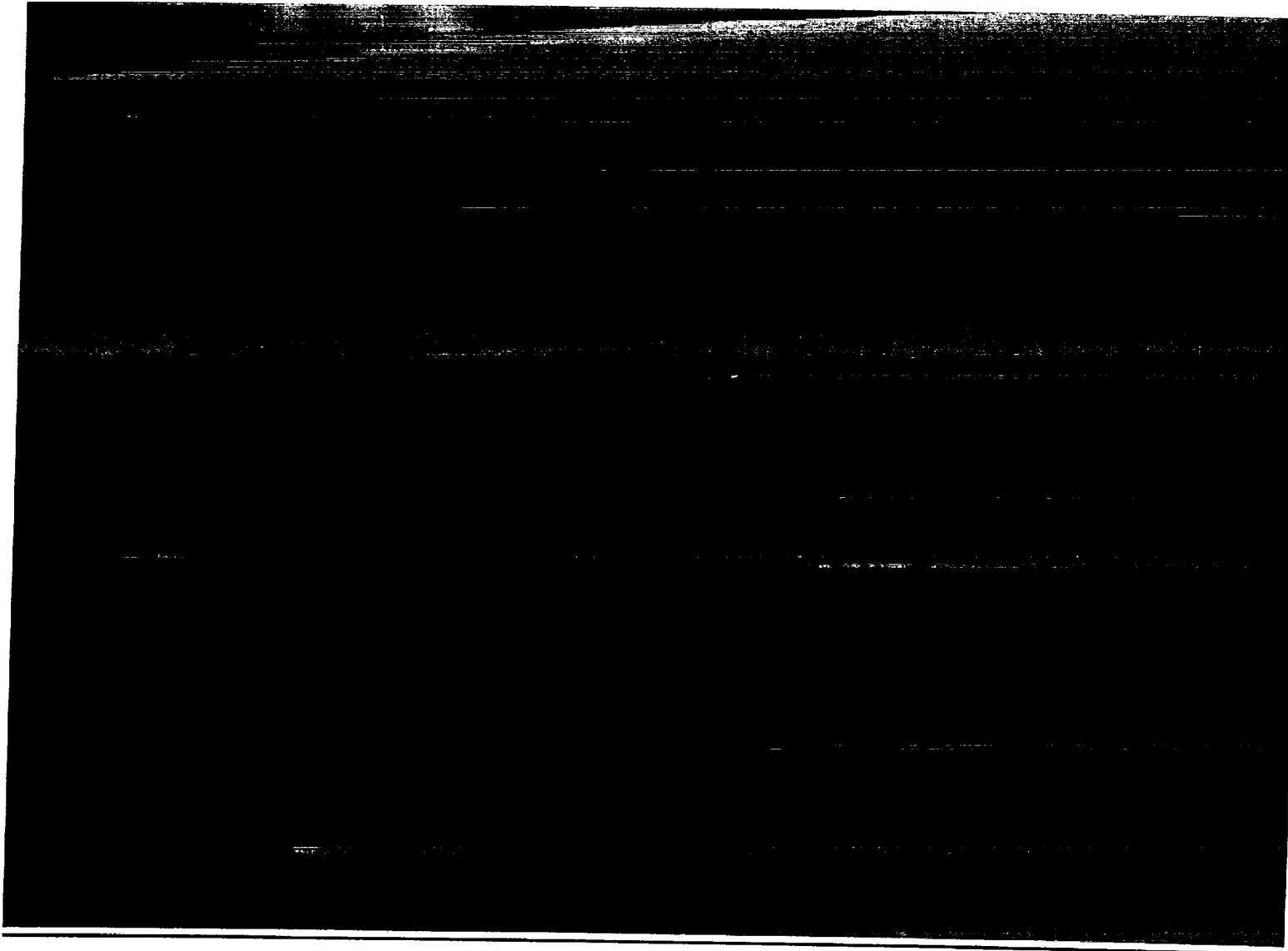
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PHOTOGRAPHIC EXHIBIT

Location: Garreco, Inc.
Heber Springs, AR
Photographer: Strollo, Robert

Date: 11/16/2005

Camera: Sony DSC-F707



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Exhibit Number: 3

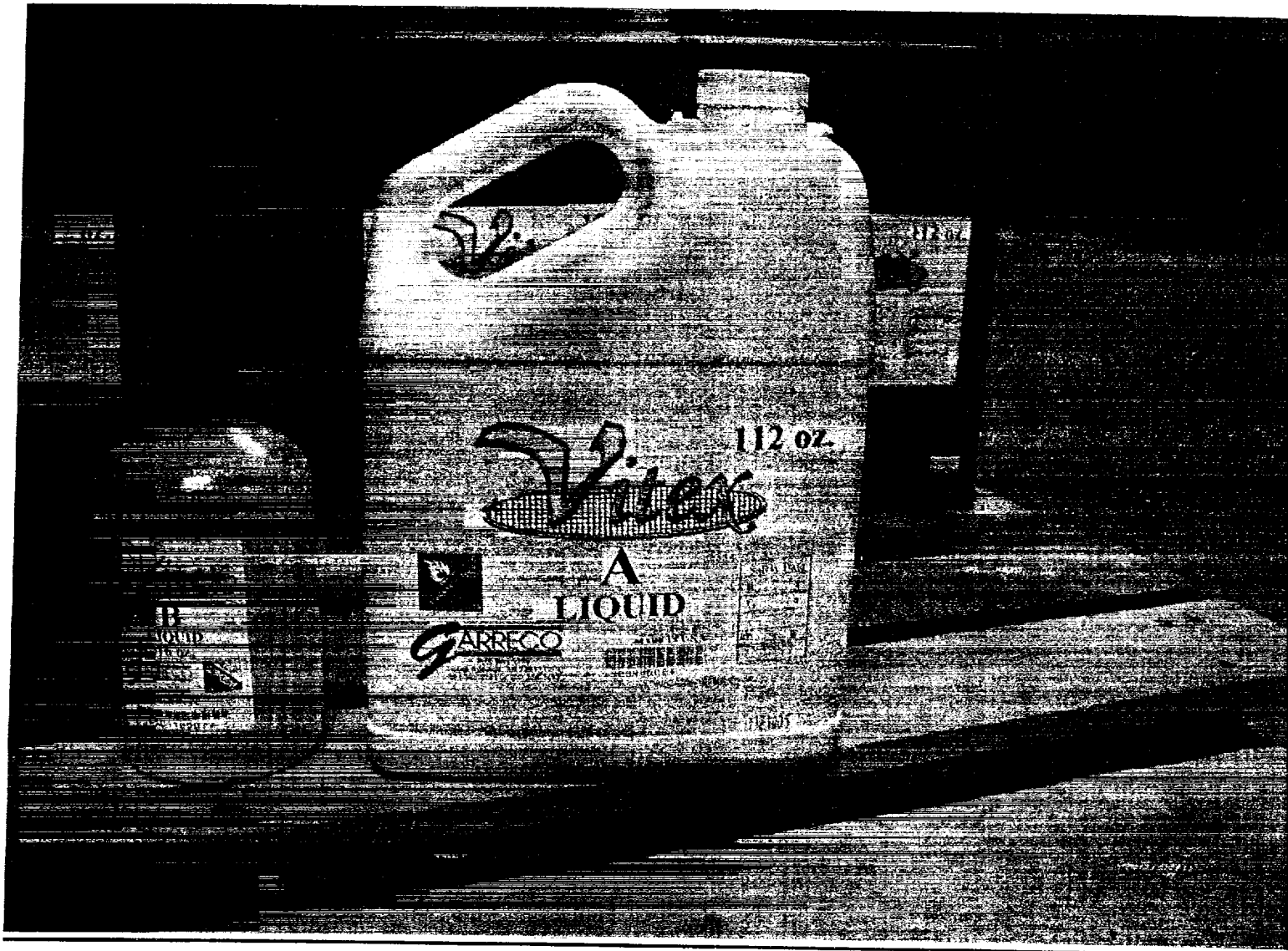
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PHOTOGRAPHIC EXHIBIT

Location: Garreco, Inc.
Heber Springs, AR
Photographer: Strollo, Robert

Date: 11/16/2005

Camera: Sony DSC-F707



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Exhibit Number: 4

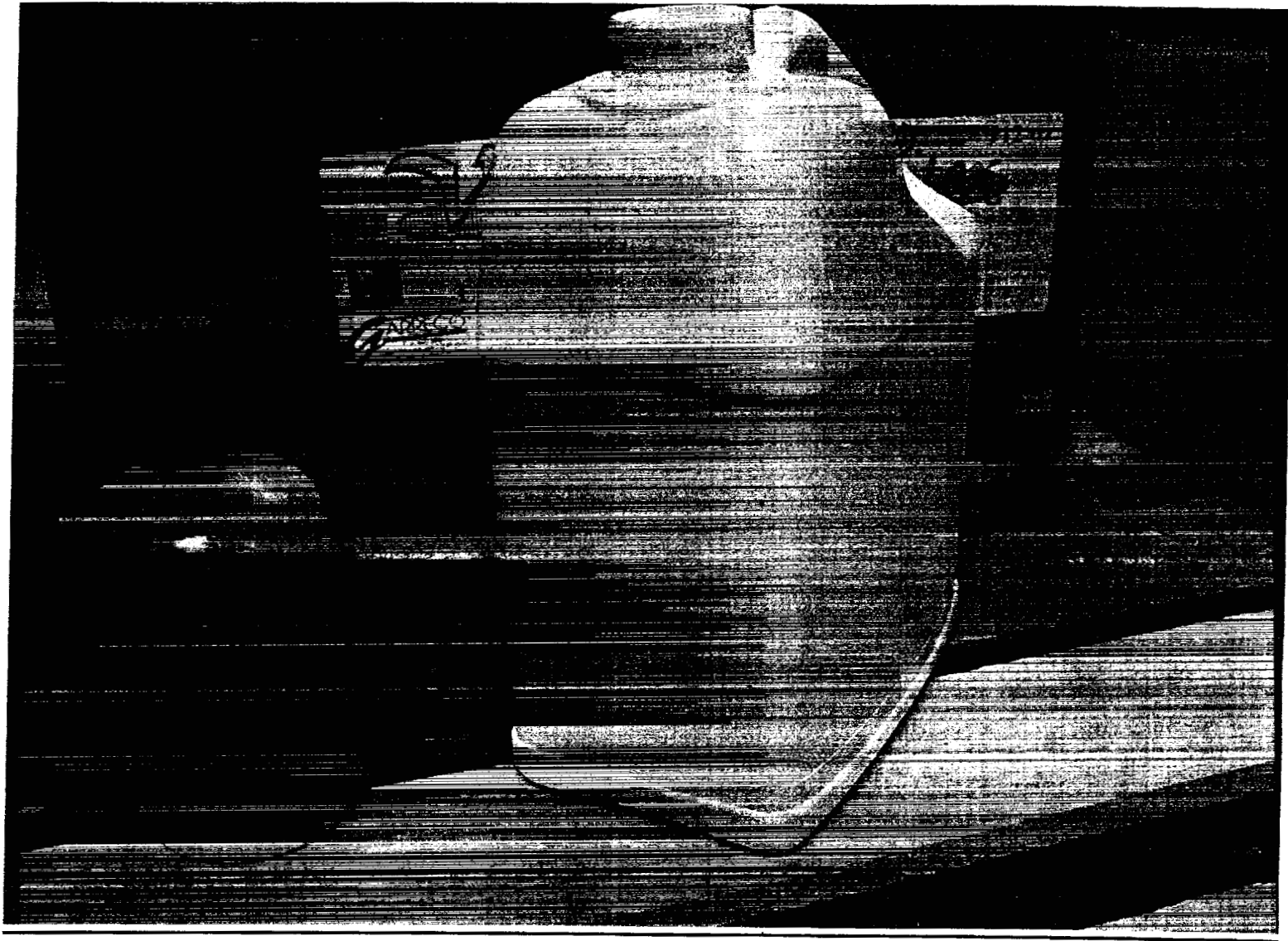
Page Number: 1 of 4

PHOTOGRAPHIC EXHIBIT

Location: Garreco, Inc.
Heber Springs, AR
Photographer: Strollo, Robert

Date: 11/16/2005

Camera: Sony DSC-F707



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Report Number: 05451061

Exhibit Number: 4

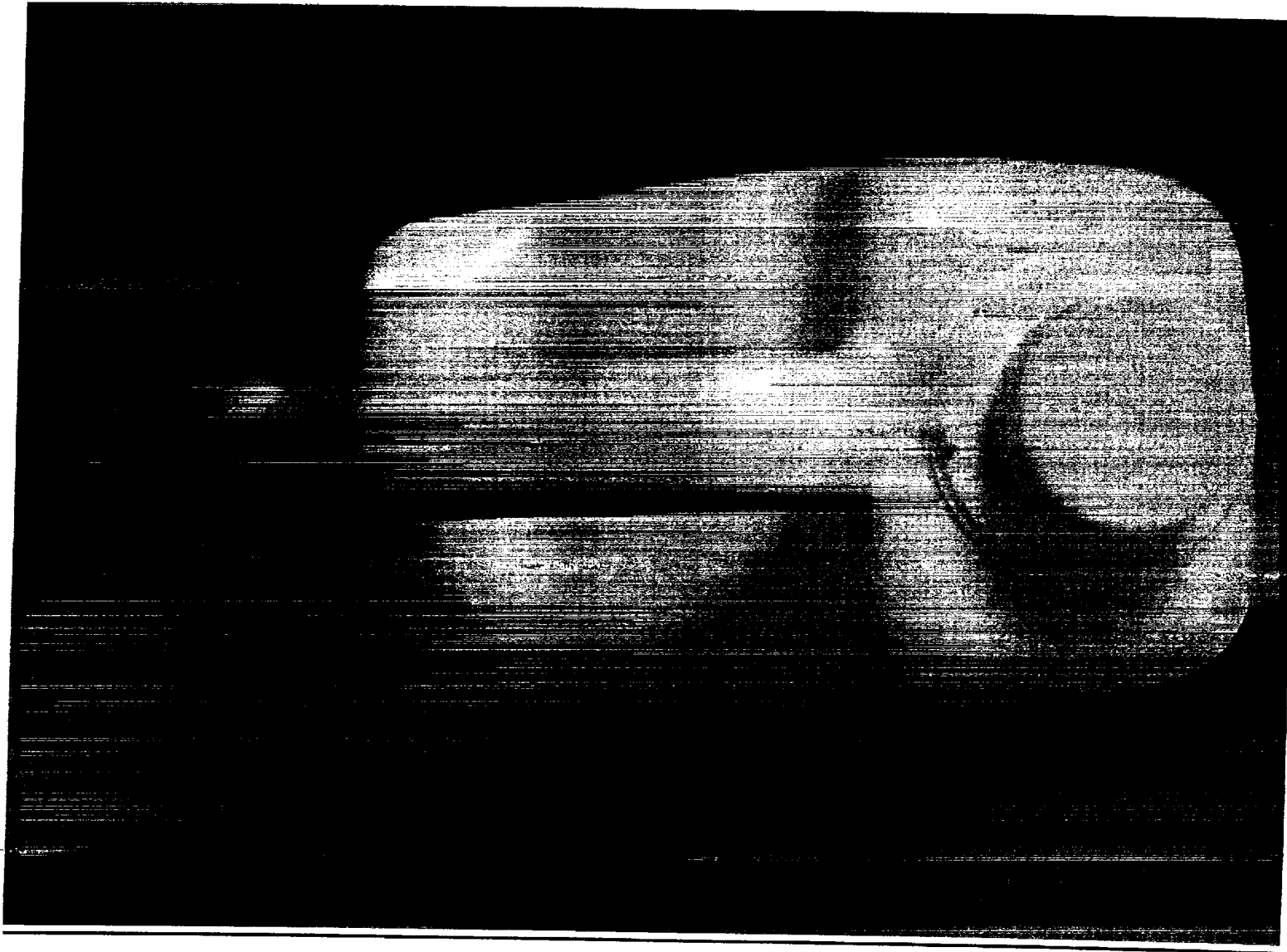
Page Number: 2 of 4

PHOTOGRAPHIC EXHIBIT

Location: Garreco, Inc.
Heber Springs, AR
Photographer: Strollo, Robert

Date: 11/16/2005

Camera: Sony DSC-F707



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Report Number: 05451061

Exhibit Number: 4

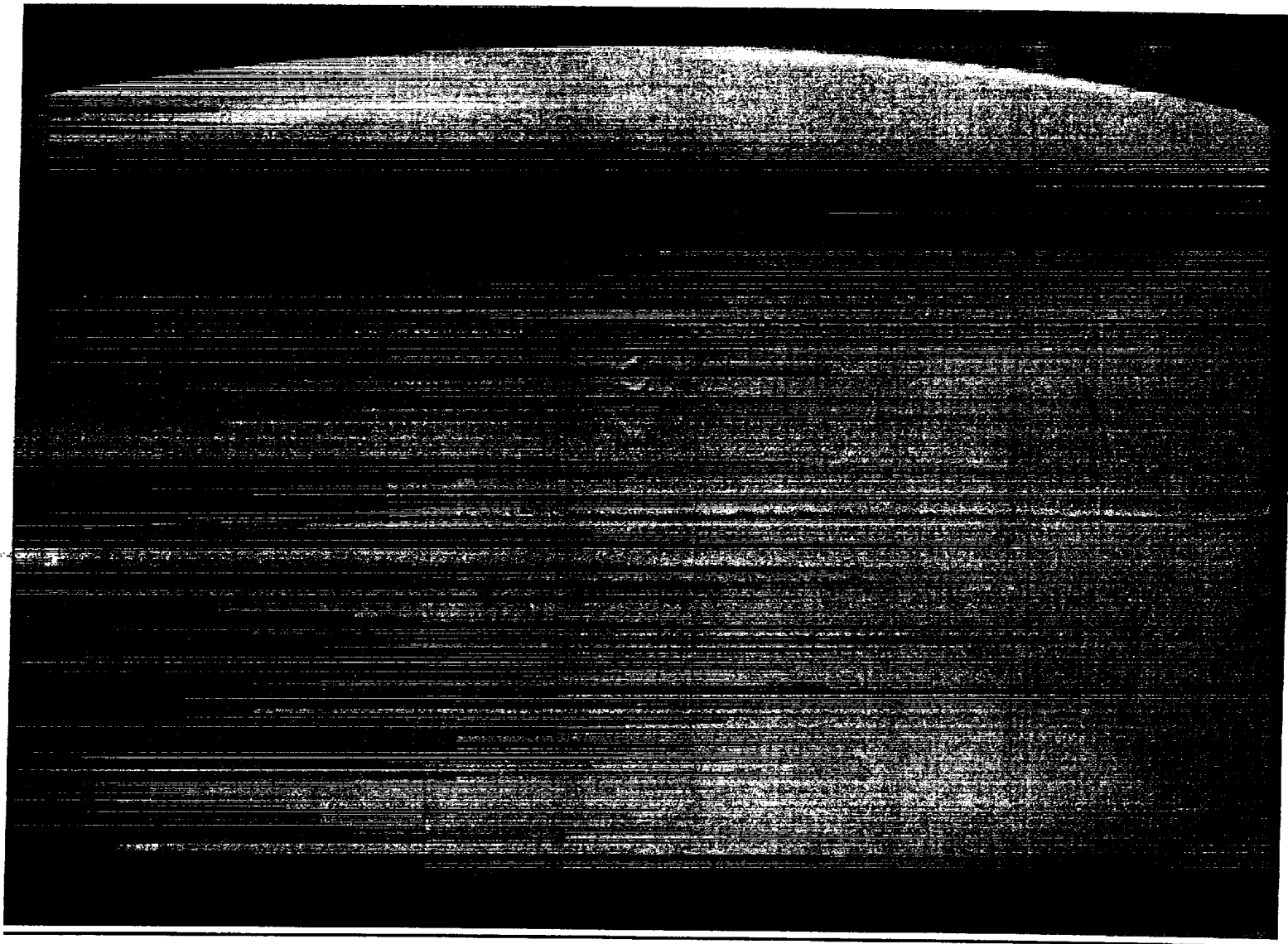
Page Number: 3 of 4

PHOTOGRAPHIC EXHIBIT

Location: Garreco, Inc.
Heber Springs, AR
Photographer: Strollo, Robert

Date: 11/16/2005

Camera: Sony DSC-F707



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Report Number:	05451061
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